

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Pickens, Baxley, Stargel, Arza, Patterson, and
2 Mealor offered the following:

3
4 **Amendment to Amendment (628337) (with title amendment)**

5 Remove line(s) 6-1142 and insert:

6 Section 1. Paragraph (f) is added to subsection (3) of
7 section 20.15, Florida Statutes, to read:

8 20.15 Department of Education.--There is created a
9 Department of Education.

10 (3) DIVISIONS.--The following divisions of the Department
11 of Education are established:

12 (f) Division of Accountability, Research, and Measurement.

13 Section 2. Paragraph (a) of subsection (5) of section
14 1000.01, Florida Statutes, is amended to read:

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15 1000.01 The Florida K-20 education system; technical  
16 provisions.--

17 (5) EDUCATION GOVERNANCE TRANSFERS.--

18 (a) Effective July 1, 2001:

19 1. The Board of Regents is abolished.

20 2. All of the powers, duties, functions, records,  
21 personnel, and property; unexpended balances of appropriations,  
22 allocations, and other funds; administrative authority;  
23 administrative rules; pending issues; and existing contracts of  
24 the Board of Regents are transferred by a type two transfer,  
25 pursuant to s. 20.06(2), to the State Board of Education.

26 3. The State Board of Community Colleges is abolished.

27 4. All of the powers, duties, functions, records,  
28 personnel, and property; unexpended balances of appropriations,  
29 allocations, and other funds; administrative authority;  
30 administrative rules; pending issues; and existing contracts of  
31 the State Board of Community Colleges are transferred by a type  
32 two transfer, pursuant to s. 20.06(2), from the Department of  
33 Education to the State Board of Education.

34 5. The Postsecondary Education Planning Commission is  
35 abolished.

36 ~~6. The Council for Education Policy Research and~~  
37 ~~Improvement is created as an independent office under the Office~~  
38 ~~of Legislative Services.~~

39 ~~7. All personnel, unexpended balances of appropriations,~~  
40 ~~and allocations of the Postsecondary Education Planning~~

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41 ~~Commission are transferred to the Council for Education Policy~~  
42 ~~Research and Improvement.~~

43 6.8. The Articulation Coordinating Committee and the  
44 Education Standards Commission are transferred by a type two  
45 transfer, pursuant to s. 20.06(2), from the Department of  
46 Education to the State Board of Education.

47 Section 3. Subsection (1) of section 1001.03, Florida  
48 Statutes, is amended to read:

49 1001.03 Specific powers of State Board of Education.--

50 (1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State  
51 Board of Education shall approve the student performance  
52 standards known as the Sunshine State Standards in key academic  
53 subject areas and grade levels. The state board shall  
54 periodically review the standards to ensure adequate rigor,  
55 logical student progression, and articulation from grade to  
56 grade and evaluate the extent to which the standards are being  
57 taught at each grade level. The evaluation shall be provided to  
58 the Governor, the Speaker of the House of Representatives, and  
59 the President of the Senate and shall include a determination of  
60 each district school board's provision of a complete education  
61 program pursuant to s. 1001.41(3).

62 Section 4. Paragraph (a) of subsection (2) of section  
63 1001.11, Florida Statutes, is amended to read:

64 1001.11 Commissioner of Education; other duties.--

65 (2)(a) The Commissioner of Education shall recommend to  
66 the State Board of Education performance goals addressing the  
67 educational needs of the state for the K-20 education system.

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68 The Department of Council for Education Policy Research and  
69 ~~Improvement, as an independent entity,~~ shall develop a report  
70 card assigning grades to indicate Florida's progress toward  
71 meeting those goals. The annual report card shall contain  
72 information showing Florida's performance relative to other  
73 states on selected measures, as well as Florida's ability to  
74 meet the need for postsecondary degrees and programs and how  
75 well the Legislature has provided resources to meet this need.  
76 The information shall include the results of the National  
77 Assessment of Educational Progress or a similar national  
78 assessment program administered to students in Florida. By  
79 January 1 of each year, the department Council for Education  
80 ~~Policy Research and Improvement~~ shall submit the report card to  
81 the Legislature, the Governor, and the public.

82 Section 5. Section 1001.215, Florida Statutes, is created  
83 to read:

84 1001.215 Just Read, Florida! Office.--There is created in  
85 the Department of Education the Just Read, Florida! Office. The  
86 office shall:

87 (1) Train professionally certified teachers to become  
88 certified reading coaches.

89 (2) Create multiple designations of effective reading  
90 instruction, with accompanying credentials, that encourage all  
91 teachers to integrate reading instruction into their content  
92 areas.

93 (3) Train K-12 teachers, school principals, and parents on  
94 research-based reading instruction strategies.

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95 (4) Provide technical assistance to school districts in  
96 the development and implementation of district plans for use of  
97 the research-based reading instruction allocation provided in s.  
98 1011.62(8) and annually review and approve such plans.

99 (5) Work with the Florida Center for Reading Research to  
100 provide information on research-based reading programs.

101 (6) Periodically review the Sunshine State Standards for  
102 reading at all grade levels.

103 (7) Periodically review teacher certification examinations  
104 to ensure that the examinations measure necessary skills in  
105 research-based reading instructional strategies.

106 (8) Work with teacher preparation programs approved  
107 pursuant to s. 1004.04 to ensure integration of research-based  
108 reading instructional strategies into teacher preparation  
109 programs.

110 (9) Administer grants and perform other functions  
111 necessary to assist with meeting the goal that all students read  
112 at grade level.

113 Section 6. Subsection (3) of section 1001.41, Florida  
114 Statutes, is amended to read:

115 1001.41 General powers of district school board.--The  
116 district school board, after considering recommendations  
117 submitted by the district school superintendent, shall exercise  
118 the following general powers:

119 (3) Prescribe and adopt standards and policies to provide  
120 each student the opportunity to receive a complete education  
121 program, including language arts, mathematics, science, social

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122 studies, health, physical education, foreign languages, and the  
123 arts as defined by the Sunshine State Standards pursuant to s.  
124 1001.03(1) as are considered desirable by it for improving the  
125 district school system.

126 Section 7. Subsection (16), paragraph (d) of subsection  
127 (17), and subsection (18) of section 1001.42, Florida Statutes,  
128 are amended to read:

129 1001.42 Powers and duties of district school board.--The  
130 district school board, acting as a board, shall exercise all  
131 powers and perform all duties listed below:

132 (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
133 ACCOUNTABILITY.--Maintain a system of school improvement and  
134 education accountability as provided by statute and State Board  
135 of Education rule. This system of school improvement and  
136 education accountability shall be consistent with, and  
137 implemented through, the district's continuing system of  
138 planning and budgeting required by this section and ss.  
139 1008.385, 1010.01, and 1011.01. This system of school  
140 improvement and education accountability shall include, but is  
141 not limited to, the following:

142 (a) School improvement plans.--Annually approve and  
143 require implementation of a new, amended, or continuation school  
144 improvement plan for each school in the district, except that a  
145 district school board may establish a district school  
146 improvement plan that includes all schools in the district  
147 operating for the purpose of providing educational services to  
148 youth in Department of Juvenile Justice programs. Such plan

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149 shall be designed to achieve the state education priorities  
150 pursuant to s. 1000.03(5) and student performance standards. ~~In~~  
151 ~~addition, any school required to implement a rigorous reading~~  
152 ~~requirement pursuant to s. 1003.415 must include such component~~  
153 ~~in its school improvement plan.~~ Each plan shall also address  
154 issues relative to budget, training, instructional materials,  
155 technology, staffing, student support services, specific school  
156 safety and discipline strategies, student health and fitness,  
157 including physical fitness, parental information on student  
158 health and fitness, and indoor environmental air quality, and  
159 other matters of resource allocation, as determined by district  
160 school board policy, and shall be based on an analysis of  
161 student achievement and other school performance data.

162 (b) School improvement plan requirements.--Each district  
163 school board's system of school improvement and student  
164 progression must be designed to provide frequent and accurate  
165 information to the teacher and student regarding each student's  
166 progress toward mastering the Sunshine State Standards. The  
167 system must demonstrate the alignment of the Sunshine State  
168 Standards, instructional strategies, assessment, and  
169 professional development. Each school improvement plan must  
170 identify the strategies for monitoring the progress of each  
171 student. The process used by each school to monitor student  
172 progression must, at a minimum, contain the following components  
173 that are aimed at increasing student achievement:

174 1. Disaggregated student achievement data related to  
175 student performance which is used to identify each individual

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176 student's strengths and weaknesses and to determine the  
177 effectiveness of the teaching and learning strategies that are  
178 being used in the classroom.

179 2. The Sunshine State Standards instructional calendar and  
180 timeline, using disaggregated student performance data to focus  
181 instruction on the Sunshine State Standards, manage  
182 instructional time, and allocate resources.

183 3. Prioritized instructional focus to facilitate explicit  
184 and systematic instruction using research-based effective  
185 practices in the classroom.

186 4. Mini-assessments of targeted Sunshine State Standards  
187 benchmarks to monitor student progress and generate data to  
188 redesign instruction, if needed.

189 5. Alternative in-school, tutorial, remediation, or  
190 enrichment strategies for students which are based on each  
191 student's individual academic needs as defined by the mini-  
192 assessments.

193 6. Systematic monitoring of each teacher's implementation  
194 of the comprehensive program for student progression as  
195 described in subparagraphs 1.-5.

196 ~~(c)(b)~~ Approval process.--Develop a process for approval  
197 of a school improvement plan presented by an individual school  
198 and its advisory council. In the event a district school board  
199 does not approve a school improvement plan after exhausting this  
200 process, the Department of Education shall be notified of the  
201 need for assistance.

202 ~~(d)(e)~~ Assistance and intervention.--

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203 1. Develop a 2-year plan of increasing individualized  
204 assistance and intervention for each school in danger of not  
205 meeting state standards or making adequate progress, as defined  
206 pursuant to statute and State Board of Education rule, toward  
207 meeting the goals and standards of its approved school  
208 improvement plan.

209 2. Provide assistance and intervention to a school that is  
210 designated with a ~~identified as being in performance~~ grade of  
211 ~~category~~ "D" pursuant to s. 1008.34 and is in danger of failing.

212 3. Develop a plan to encourage teachers with demonstrated  
213 mastery in improving student performance to remain at or  
214 transfer to a school designated with a ~~as performance~~ grade of  
215 ~~category~~ "D" or "F" or to an alternative school that serves  
216 disruptive or violent youths. If a classroom teacher, as defined  
217 by s. 1012.01(2)(a), who meets the definition of teaching  
218 mastery developed according to the provisions of this paragraph,  
219 requests assignment to a school designated with a ~~as performance~~  
220 grade of category "D" or "F" or to an alternative school that  
221 serves disruptive or violent youths, the district school board  
222 shall make every practical effort to grant the request.

223 4. Prioritize, to the extent possible, the expenditures of  
224 funds received from the supplemental academic instruction  
225 categorical fund under s. 1011.62(1)(f) to improve student  
226 performance in schools that receive a ~~performance~~ grade ~~category~~  
227 ~~designation~~ of "D" or "F."

228 (e)~~(d)~~ After 2 years.--Notify the Commissioner of  
229 Education and the State Board of Education in the event any

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230 school does not make adequate progress toward meeting the goals  
231 and standards of a school improvement plan by the end of 2 years  
232 of failing to make adequate progress and proceed according to  
233 guidelines developed pursuant to statute and State Board of  
234 Education rule. School districts shall provide intervention and  
235 assistance to schools in danger of being designated with a ~~as~~  
236 ~~performance~~ grade of ~~category~~ "F," failing to make adequate  
237 progress.

238 ~~(f)(e)~~ Public disclosure.--Provide information regarding  
239 performance of students and educational programs as required  
240 pursuant to ss. 1008.22 and 1008.385 and implement a system of  
241 school reports as required by statute and State Board of  
242 Education rule that shall include schools operating for the  
243 purpose of providing educational services to youth in Department  
244 of Juvenile Justice programs, and for those schools, report on  
245 the elements specified in s. 1003.52(19). Annual public  
246 disclosure reports shall be in an easy-to-read report card  
247 format and shall include the school's student and school  
248 ~~performance~~ grade ~~category designation~~ and performance data as  
249 specified in state board rule.

250 ~~(g)(f)~~ School improvement funds.--Provide funds to schools  
251 for developing and implementing school improvement plans. Such  
252 funds shall include those funds appropriated for the purpose of  
253 school improvement pursuant to s. 24.121(5)(c).

254 (17) LOCAL-LEVEL DECISIONMAKING.--

255 (d) Adopt policies that assist in giving greater autonomy,  
256 including authority over the allocation of the school's budget,

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257 | to schools designated with a ~~as performance~~ grade of category  
258 | "A," making excellent progress, and schools rated as having  
259 | improved at least two grades ~~performance grade categories~~.

260 | (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies allowing  
261 | students attending schools that have been designated with a ~~as~~  
262 | ~~performance~~ grade of category "F," failing to make adequate  
263 | progress, for 2 school years in a 4-year period to attend a  
264 | higher performing school in the district or an adjoining  
265 | district or be granted a state opportunity scholarship to a  
266 | private school, in conformance with s. 1002.38 and State Board  
267 | of Education rule.

268 | Section 8. Paragraph (d) of subsection (3) and paragraphs  
269 | (a) and (b) of subsection (6) of section 1002.20, Florida  
270 | Statutes, are amended to read:

271 | 1002.20 K-12 student and parent rights.--Parents of public  
272 | school students must receive accurate and timely information  
273 | regarding their child's academic progress and must be informed  
274 | of ways they can help their child to succeed in school. K-12  
275 | students and their parents are afforded numerous statutory  
276 | rights including, but not limited to, the following:

277 | (3) HEALTH ISSUES.--

278 | (d) Reproductive health and disease education.--A public  
279 | school student whose parent makes written request to the school  
280 | principal shall be exempted from the teaching of reproductive  
281 | health or any disease, including HIV/AIDS, in accordance with  
282 | the provisions of s. 1003.42(4)~~(3)~~.

283 | (6) EDUCATIONAL CHOICE.--

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284 (a) Public school choices.--Parents of public school  
285 students may seek whatever public school choice options that are  
286 applicable to their students and are available to students in  
287 their school districts. These options may include controlled  
288 open enrollment, lab schools, charter schools, charter technical  
289 career centers, magnet schools, alternative schools, special  
290 programs, advanced placement, dual enrollment, International  
291 Baccalaureate, early admissions, credit by examination or  
292 demonstration of competency, the New World School of the Arts,  
293 the Florida School for the Deaf and the Blind, and the Florida  
294 Virtual School. These options may also include the public school  
295 choice options of the Opportunity Scholarship Program, ~~and~~ the  
296 McKay Scholarships for Students with Disabilities Program, and  
297 the Reading Compact Scholarship Program.

298 (b) Private school choices.--Parents of public school  
299 students may seek private school choice options under certain  
300 programs.

301 1. Under the Opportunity Scholarship Program, the parent  
302 of a student in a failing public school may request and receive  
303 an opportunity scholarship for the student to attend a private  
304 school in accordance with the provisions of s. 1002.38.

305 2. Under the McKay Scholarships for Students with  
306 Disabilities Program, the parent of a public school student with  
307 a disability who is dissatisfied with the student's progress may  
308 request and receive a McKay Scholarship for the student to  
309 attend a private school in accordance with the provisions of s.  
310 1002.39.

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311 3. Under the corporate income tax credit scholarship  
312 program, the parent of a student who qualifies for free or  
313 reduced-price school lunch may seek a scholarship from an  
314 eligible nonprofit scholarship-funding organization in  
315 accordance with the provisions of s. 220.187.

316 4. Under the Reading Compact Scholarship Program, the  
317 parent of a student with reading deficiencies may request and  
318 receive a Reading Compact Scholarship for the student to attend  
319 a private school in accordance with the provisions of s.  
320 1002.385.

321 Section 9. Subsection (2) and paragraphs (a) and (b) of  
322 subsection (3) of section 1002.38, Florida Statutes, are amended  
323 to read:

324 1002.38 Opportunity Scholarship Program.--

325 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public school  
326 student's parent may request and receive from the state an  
327 opportunity scholarship for the student to enroll in and attend  
328 a private school in accordance with the provisions of this  
329 section if:

330 (a)1. By assigned school attendance area or by special  
331 assignment, the student has spent the prior school year in  
332 attendance at a public school that has been designated pursuant  
333 to s. 1008.34 with a ~~as performance~~ grade of ~~eate~~gory "F,"  
334 failing to make adequate progress, and that has had 2 school  
335 years in a 4-year period of such low performance, and the  
336 student's attendance occurred during a school year in which such  
337 designation was in effect;

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338 2. The student has been in attendance elsewhere in the  
339 public school system and has been assigned to such school for  
340 the next school year; or

341 3. The student is entering kindergarten or first grade and  
342 has been notified that the student has been assigned to such  
343 school for the next school year.

344 (b) The parent has obtained acceptance for admission of  
345 the student to a private school eligible for the program  
346 pursuant to subsection (4), and has notified the Department of  
347 Education and the school district of the request for an  
348 opportunity scholarship no later than August ~~July~~ 1 of the first  
349 year in which the student intends to use the scholarship.

350  
351 The provisions of this section shall not apply to a student who  
352 is enrolled in a school operating for the purpose of providing  
353 educational services to youth in Department of Juvenile Justice  
354 commitment programs. For purposes of continuity of educational  
355 choice, the opportunity scholarship shall remain in force until  
356 the student returns to a public school or, if the student  
357 chooses to attend a private school the highest grade of which is  
358 grade 8, until the student matriculates to high school and the  
359 public high school to which the student is assigned is an  
360 accredited school with a ~~performance grade category designation~~  
361 of "C" or better. However, at any time upon reasonable notice to  
362 the Department of Education and the school district, the  
363 student's parent may remove the student from the private school

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364 and place the student in a public school, as provided in  
365 subparagraph (3)(a)2.

366 (3) SCHOOL DISTRICT OBLIGATIONS.--

367 (a) A school district shall, for each student enrolled in  
368 or assigned to a school that has been designated with a ~~as~~  
369 ~~performance~~ grade of ~~category~~ "F" for 2 school years in a 4-year  
370 period:

371 1. Timely notify the parent of the student as soon as such  
372 designation is made of all options available pursuant to this  
373 section.

374 2. Offer that student's parent an opportunity to enroll  
375 the student in the public school within the district that has  
376 been designated by the state pursuant to s. 1008.34 as a school  
377 performing higher than that in which the student is currently  
378 enrolled or to which the student has been assigned, but not less  
379 than ~~performance~~ grade ~~category~~ "C." The parent is not required  
380 to accept this offer in lieu of requesting a state opportunity  
381 scholarship to a private school. The opportunity to continue  
382 attending the higher performing public school shall remain in  
383 force until the student graduates from high school.

384 (b) The parent of a student enrolled in or assigned to a  
385 school that has been designated with a ~~performance~~ grade of  
386 ~~category~~ "F" for 2 school years in a 4-year period may choose as  
387 an alternative to enroll the student in and transport the  
388 student to a higher-performing public school that has available  
389 space in an adjacent school district, and that school district  
390 shall accept the student and report the student for purposes of

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391 the district's funding pursuant to the Florida Education Finance  
392 Program.

393 Section 10. Paragraph (b) of subsection (3) of section  
394 1003.01, Florida Statutes, is amended to read:

395 1003.01 Definitions.--As used in this chapter, the term:

396 (3)

397 (b) "Special education services" means specially designed  
398 instruction and such related services as are necessary for an  
399 exceptional student to benefit from education. Such services may  
400 include: transportation; diagnostic and evaluation services;  
401 social services; physical and occupational therapy; speech and  
402 language pathology services; job placement; orientation and  
403 mobility training; braillists, typists, and readers for the  
404 blind; interpreters and auditory amplification; rehabilitation  
405 counseling; transition services; mental health services;  
406 guidance and career counseling; specified materials, assistive  
407 technology devices, and other specialized equipment; and other  
408 such services as approved by rules of the state board.

409 Section 11. Paragraph (b) of subsection (2) of section  
410 1003.03, Florida Statutes, is amended to read:

411 1003.03 Maximum class size.--

412 (2) IMPLEMENTATION.--

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

415 1. For fiscal years 2003-2004 through 2006-2007 ~~2005-2006~~,  
416 the calculation for compliance for each of the 3 grade groupings  
417 shall be the average at the district level.

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418           2. For fiscal year ~~years 2006-2007 through~~ 2007-2008, the  
419 calculation for compliance for each of the 3 grade groupings  
420 shall be the average at the school level.

421           3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
422 the calculation for compliance shall be at the individual  
423 classroom level.

424           Section 12. Subsection (3) of section 1003.05, Florida  
425 Statutes, is amended to read:

426           1003.05 Assistance to transitioning students from military  
427 families.--

428           (3) Dependent children of active duty military personnel  
429 who otherwise meet the eligibility criteria for special academic  
430 programs offered through public schools shall be given first  
431 preference for admission to such programs even if the program is  
432 being offered through a public school other than the school to  
433 which the student would generally be assigned ~~and the school at~~  
434 ~~which the program is being offered has reached its maximum~~  
435 ~~enrollment~~. If such a program is offered through a public school  
436 other than the school to which the student would generally be  
437 assigned, the parent or guardian of the student must assume  
438 responsibility for transporting the student to that school. For  
439 purposes of this subsection, special academic programs include  
440 ~~charter schools~~, magnet schools, advanced studies programs,  
441 advanced placement, dual enrollment, and International  
442 Baccalaureate.

443           Section 13. Section 1003.413, Florida Statutes, is created  
444 to read:

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1003.413 High school reform.--

(1) Beginning with the 2005-2006 school year, each school district shall establish policies to assist high school students to remain in school, graduate on time, and be prepared for postsecondary education and the workforce. Such policies must address:

(a) Intensive reading remediation for students in grades 9 through 12 scoring below Level 3 on FCAT Reading, pursuant to the reading instruction plan required by s. 1011.62(8).

(b) Credit recovery options and course scheduling designed to allow high school students to earn credit for failed courses so that they are able to graduate on time.

(c) Immediate and frequent notification to parents of students who are in danger of not graduating from high school.

(d) Placement in alternative programs, such as programs that emphasize applied integrated curricula, small learning communities, support services, increased discipline, or other strategies documented to improve student achievement.

(e) Summer reading institutes for rising ninth graders scoring below Level 3 on FCAT Reading, pursuant to the reading instruction plan required by s. 1011.62(8).

A student's participation in an instructional or remediation program prior to or immediately following entering grade 9 for the first time shall not affect that student's classification as a first-time ninth grader for reporting purposes, including calculation of graduation and dropout rates.

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472       (2) The Commissioner of Education shall create and  
473 implement the Challenge High School Recognition Program to  
474 reward public high schools that demonstrate continuous academic  
475 improvement and show the greatest gains in student academic  
476 achievement in reading and mathematics.

477       Section 14. High School Reform Task Force.--

478       (1) There is created the High School Reform Task Force.  
479 The task force shall work in conjunction with the Southern  
480 Regional Education Board and the International Center for  
481 Leadership in Education and shall be administratively supported  
482 by the office of the Chancellor for K-12 Public Schools in the  
483 Department of Education and the Just Read, Florida! Office.  
484 Appointments to the task force shall be coordinated to ensure  
485 that the membership reflects the geographic and cultural  
486 diversity of Florida's school age population. The task force  
487 shall be abolished upon submission of its recommendations.

488       (2)(a) The Governor shall appoint members of the task  
489 force from the following categories and shall appoint the chair  
490 of the task force from its membership:

491       1. Two representatives of public school districts, who may  
492 be principals, district school board members, or school  
493 superintendents, at least one of whom works in or with a school  
494 with a school grade of "F."

495       2. One high school teacher who teaches in a high school  
496 with a school grade of "F."

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497 3. Two parents of high school students scoring at Level 1  
498 on FCAT Reading, at least one whom has a child enrolled in a  
499 school with a school grade of "F."

500 4. One high school student.

501 5. One teacher or administrator from a charter high  
502 school.

503 6. Two private school teachers or administrators from any  
504 registered Florida private school with students in grades 9-12  
505 regardless of whether the school is nonsectarian, sectarian, not  
506 for profit, or for profit.

507 7. One representative of the business community.

508 (b) The Speaker of the House of Representatives shall  
509 appoint one member of the House of Representatives to serve on  
510 the task force and the President of the Senate shall appoint one  
511 member of the Senate to serve on the task force.

512 (3) Not later than January 1, 2006, the task force shall  
513 vote to recommend to the Speaker of the House of  
514 Representatives, the President of the Senate, and the Governor a  
515 long-term plan for revisions to statutes, rules, and policies  
516 that will improve Florida's grade 9 retention rate, graduation  
517 rate, dropout rate, and college remediation rate and align high  
518 school requirements with the needs of Florida's employers and  
519 postsecondary educational institution requirements. The plan  
520 must be programmatically and fiscally responsible, feasible, and  
521 implementable. The plan must address, but is not limited to  
522 addressing: graduation requirements; effective use of  
523 accelerated high school graduation options pursuant to s.

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524 1003.429; course redesign; remediation strategies; credit  
525 recovery; use of alternative programs, including programs that  
526 emphasize applied integrated curricula, small learning  
527 communities, support services, or increased discipline; use of  
528 technology; adjustments to the school grading system to reflect  
529 learning gains by high school students; middle school systemic  
530 alignment; transition from middle school to high school;  
531 alignment with postsecondary and workforce education  
532 requirements; and alignment with employer expectations.

533 Section 15. Section 1003.415, Florida Statutes, is amended  
534 to read:

535 1003.415 The Middle Grades Reform Act.--

536 (1) POPULAR NAME.--This section shall be known by the  
537 popular name the "Middle Grades Reform Act."

538 (2) PURPOSE AND INTENT.--

539 (a) The purpose of this section is to provide added focus  
540 and rigor to academics in the middle grades. Using reading as  
541 the foundation, all middle grade students should receive  
542 rigorous academic instruction through challenging curricula  
543 delivered by highly qualified teachers in schools with  
544 outstanding leadership, which schools are supported by engaged  
545 and informed parents.

546 (b) It is the intent of the Legislature that students  
547 promoted from the eighth grade will have the necessary reading  
548 and mathematics skills to be ready for success in high school.  
549 The mission of middle grades is to prepare students to graduate  
550 from high school.

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551 (3) DEFINITION.--As used in this section, the term "middle  
552 grades" means grades 6, 7, and 8.

553 (4) CURRICULA AND COURSES.--The Department of Education  
554 shall review course offerings, teacher qualifications,  
555 instructional materials, and teaching practices used in reading  
556 and language arts programs in the middle grades. The department  
557 must consult with the Florida Center for Reading Research at  
558 Florida State University, the Just Read, Florida! Office,  
559 reading researchers, reading specialists, and district  
560 supervisors of curriculum in the development of findings and  
561 recommendations. The Commissioner of Education shall make  
562 recommendations to the State Board of Education regarding  
563 changes to reading and language arts curricula in the middle  
564 grades based on research-based proven effective programs. The  
565 State Board of Education shall adopt rules based upon the  
566 commissioner's recommendations no later than March 1, 2005.  
567 Implementation of new or revised reading and language arts  
568 courses in all middle grades shall be phased in beginning no  
569 later than the 2005-2006 school year with completion no later  
570 than the 2008-2009 school year.

571 ~~(5) RIGOROUS READING REQUIREMENT.--~~

572 ~~(a) Beginning with the 2004-2005 school year, each public~~  
573 ~~school serving middle grade students, including charter schools,~~  
574 ~~with fewer than 75 percent of its students reading at or above~~  
575 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~  
576 ~~student scoring at Level 3 or above on the FCAT during the prior~~  
577 ~~school year, must incorporate by October 1 a rigorous reading~~

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578 ~~requirement for reading and language arts programs as the~~  
579 ~~primary component of its school improvement plan. The department~~  
580 ~~shall annually provide to each district school board by June 30~~  
581 ~~a list of its schools that are required to incorporate a~~  
582 ~~rigorous reading requirement as the primary component of the~~  
583 ~~school's improvement plan. The department shall provide~~  
584 ~~technical assistance to school districts and school~~  
585 ~~administrators required to implement the rigorous reading~~  
586 ~~requirement.~~

587 ~~(b) The purpose of the rigorous reading requirement is to~~  
588 ~~assist each student who is not reading at or above grade level~~  
589 ~~to do so before entering high school. The rigorous reading~~  
590 ~~requirement must include for a middle school's low-performing~~  
591 ~~student population specific areas that address phonemic~~  
592 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~  
593 ~~desired levels of performance in those areas; and the~~  
594 ~~instructional and support services to be provided to meet the~~  
595 ~~desired levels of performance. The school shall use research-~~  
596 ~~based reading activities that have been shown to be successful~~  
597 ~~in teaching reading to low-performing students.~~

598 ~~(c) Schools required to implement the rigorous reading~~  
599 ~~requirement must provide quarterly reports to the district~~  
600 ~~school superintendent on the progress of students toward~~  
601 ~~increased reading achievement.~~

602 ~~(d) The results of implementation of a school's rigorous~~  
603 ~~reading requirement shall be used as part of the annual~~

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604 ~~evaluation of the school's instructional personnel and school~~  
605 ~~administrators as required in s. 1012.34.~~

606 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE~~  
607 ~~OF STUDENTS AND SCHOOLS.--~~

608 ~~(a) The department shall conduct a study on how the~~  
609 ~~overall academic performance of middle grade students and~~  
610 ~~schools can be improved. The department must consult with the~~  
611 ~~Florida Center for Reading Research at Florida State University,~~  
612 ~~the Just Read, Florida! Office, and key education stakeholders,~~  
613 ~~including district school board members, district school~~  
614 ~~superintendents, principals, parents, teachers, district~~  
615 ~~supervisors of curriculum, and students across the state, in the~~  
616 ~~development of its findings and recommendations. The department~~  
617 ~~shall review, at a minimum, each of the following elements:~~

618 ~~1. Academic expectations, which include, but are not~~  
619 ~~limited to:~~

620 ~~a. Alignment of middle school expectations with elementary~~  
621 ~~and high school graduation requirements.~~

622 ~~b. Best practices to improve reading and language arts~~  
623 ~~courses based on research-based programs for middle school~~  
624 ~~students in alignment with the Sunshine State Standards.~~

625 ~~c. Strategies that focus on improving academic success for~~  
626 ~~low-performing students.~~

627 ~~d. Rigor of curricula and courses.~~

628 ~~e. Instructional materials.~~

629 ~~f. Course enrollment by middle school students.~~

630 ~~g. Student support services.~~

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- 631 ~~h. Measurement and reporting of student achievement.~~  
632 ~~2. Attendance policies and student mobility issues.~~  
633 ~~3. Teacher quality, which includes, but is not limited to:~~  
634 ~~a. Preparedness of teachers to teach rigorous courses to~~  
635 ~~middle school students.~~  
636 ~~b. Teacher evaluations.~~  
637 ~~e. Substitute teachers.~~  
638 ~~d. Certification and recertification requirements.~~  
639 ~~e. Staff development requirements.~~  
640 ~~f. Availability of effective staff development training.~~  
641 ~~g. Teacher recruitment and vacancy issues.~~  
642 ~~h. Federal requirements for highly qualified teachers~~  
643 ~~pursuant to the No Child Left Behind Act of 2001.~~  
644 ~~4. Identification and availability of diagnostic testing.~~  
645 ~~5. Availability of personnel and scheduling issues.~~  
646 ~~6. Middle school leadership and performance.~~  
647 ~~7. Parental and community involvement.~~  
648 ~~(b) By December 1, 2004, the Commissioner of Education~~  
649 ~~shall submit to the President of the Senate, the Speaker of the~~  
650 ~~House of Representatives, the chairs of the education committees~~  
651 ~~in the Senate and the House of Representatives, and the State~~  
652 ~~Board of Education recommendations to increase the academic~~  
653 ~~performance of middle grade students and schools.~~  
654 ~~(5)(7) PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--~~  
655 ~~(a) Beginning with the 2004-2005 school year, Each~~  
656 ~~principal of a school with a middle grade shall designate~~  
657 ~~certified staff members at the school to develop and administer~~

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658 a personalized middle school success plan for each entering  
659 sixth grade student who scored below Level 3 in reading on the  
660 most recently administered FCAT. The purpose of the success plan  
661 is to assist the student in meeting state and school district  
662 expectations in academic proficiency and to prepare the student  
663 for a rigorous high school curriculum. The success plan shall be  
664 developed in collaboration with the student and his or her  
665 parent and must be implemented until the student completes the  
666 eighth grade or achieves a score at Level 3 or above in reading  
667 on the FCAT, whichever occurs first. The success plan must  
668 minimize paperwork and may be incorporated into a parent/teacher  
669 conference, included as part of a progress report or report  
670 card, included as part of a general orientation at the beginning  
671 of the school year, or provided by electronic mail or other  
672 written correspondence.

673 (b) The personalized middle school success plan must:

674 1. Identify educational goals and intermediate benchmarks  
675 for the student in the core curriculum areas which will prepare  
676 the student for high school.

677 2. Be based upon academic performance data and an  
678 identification of the student's strengths and weaknesses.

679 3. Include academic intervention strategies with frequent  
680 progress monitoring.

681 4. Provide innovative methods to promote the student's  
682 advancement which may include, but not be limited to, flexible  
683 scheduling, tutoring, focus on core curricula, online  
684 instruction, an alternative learning environment, or other

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685 interventions that have been shown to accelerate the learning  
686 process.

687 (c) The personalized middle school success plan must be  
688 incorporated into any individual student plan required by  
689 federal or state law, including the academic improvement plan  
690 required in s. 1008.25, an individual education plan (IEP) for a  
691 student with disabilities, a federal 504 plan, or an ESOL plan.

692 (d) The Department of Education shall provide technical  
693 assistance for districts, school administrators, and  
694 instructional personnel regarding the development of  
695 personalized middle school success plans. The assistance shall  
696 include strategies and techniques designed to maximize  
697 interaction between students, parents, teachers, and other  
698 instructional and administrative staff while minimizing  
699 paperwork.

700 ~~(6)(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

701 (a) The State Board of Education shall have authority to  
702 adopt rules pursuant to ss. 120.536(1) and 120.54 to implement  
703 the provisions of this section.

704 (b) The State Board of Education shall have authority  
705 pursuant to s. 1008.32 to enforce the provisions of this  
706 section.

707 Section 16. Section 1003.4155, Florida Statutes, is  
708 created to read:

709 1003.4155 Middle school grading system.--The grading  
710 system and interpretation of letter grades used in grades 6  
711 through 8 shall be as follows:

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712       (1) Grade "A" equals 90 percent through 100 percent, has a  
713 grade point average value of 4, and is defined as "outstanding  
714 progress."

715       (2) Grade "B" equals 80 percent through 89 percent, has a  
716 grade point average value of 3, and is defined as "above average  
717 progress."

718       (3) Grade "C" equals 70 percent through 79 percent, has a  
719 grade point average value of 2, and is defined as "average  
720 progress."

721       (4) Grade "D" equals 60 percent through 69 percent, has a  
722 grade point average value of 1, and is defined as "lowest  
723 acceptable progress."

724       (5) Grade "F" equals zero percent through 59 percent, has  
725 a grade point average value of zero, and is defined as  
726 "failure."

727       (6) Grade "I" equals zero percent, has a grade point  
728 average value of zero, and is defined as "incomplete."

729       Section 17. Section 1003.4156, Florida Statutes, is  
730 created to read:

731       1003.4156 General requirements for middle school  
732 promotion.--

733       (1) Beginning with students entering grade 6 in the 2005-  
734 2006 school year, promotion from a middle school with grades 6  
735 through 8 requires that:

736       (a) A student must successfully complete 12 academic  
737 credits as follows:

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- 738       1. Three middle school or higher credits in  
739 English/language arts.
- 740       2. Three middle school or higher credits in mathematics.
- 741       3. Two middle school or higher credits in social studies.
- 742       4. Two middle school or higher credits in science.
- 743       5. Two middle school or higher credits in elective  
744 courses.
- 745       (b) For each year in which a student scores at Level 1 or  
746 Level 2 on FCAT Reading, the student must the following year be  
747 enrolled in and complete a full-year intensive reading course  
748 for which the student may earn up to one elective credit per  
749 year. Students scoring at Level 3 or Level 4 on FCAT Reading may  
750 be enrolled, with parental permission, in a full-year intensive  
751 reading course for which the student may earn up to two elective  
752 credits during middle school. Reading courses shall be designed  
753 and offered pursuant to the reading instruction plan required by  
754 s. 1011.62(8).
- 755       (2) One full credit means a minimum of 135 hours of  
756 instruction in a designated course of study that contains  
757 student performance standards. For schools authorized by the  
758 district school board to implement block scheduling, one full  
759 credit means a minimum of 120 hours of instruction in a  
760 designated course of study that contains student performance  
761 standards.
- 762       (3) District school boards shall establish policies to  
763 implement the requirements of this section. The policies may  
764 allow alternative methods for students to earn the credits

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765 required by this section. School districts shall emphasize  
766 alternative programs for students scoring at Level 1 on FCAT  
767 Reading who have been retained in elementary school. The  
768 alternatives may include, but are not limited to, opportunities  
769 for students to:

770 (a) Recover credits.

771 (b) Be promoted on time to high school.

772 (c) Be placed in programs that emphasize applied  
773 integrated curricula, small learning communities, support  
774 services, increased discipline, or other strategies documented  
775 to improve student achievement.

776

777 The school district's policy shall be submitted to the State  
778 Board of Education for approval. The school district's policy  
779 shall be automatically approved unless specifically rejected by  
780 the State Board of Education within 60 days after receipt.

781 (4) The State Board of Education shall adopt rules  
782 pursuant to ss. 120.536(1) and 120.54 to provide for alternative  
783 middle school promotion standards for students in grade 6, grade  
784 7, or grade 8, including students who are not enrolled in  
785 schools with a grade 6 through 8 middle school configuration.

786 Section 18. Subsection (2) of section 1003.42, Florida  
787 Statutes, is amended to read:

788 1003.42 Required instruction.--

789 (2) All members of the instructional staff of the public  
790 schools, subject to the rules of the State Board of Education  
791 and the district school board, shall teach efficiently and

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792 faithfully, using the books and materials required that meet the  
793 highest standards for professionalism and historic accuracy,  
794 following the prescribed courses of study, and employing  
795 approved methods of instruction, the following:

796 (a) The history and content of the Declaration of  
797 Independence as written, including national sovereignty, natural  
798 law, self-evident truth, equality of all persons, limited  
799 government, popular sovereignty, and God-given, inalienable  
800 rights of life, liberty, and property, and how they form ~~it~~  
801 forms the philosophical foundation of our government.

802 (b) The history, meaning, significance, and effect of the  
803 provisions of the Constitution of the United States and  
804 amendments thereto with emphasis on each of the 10 amendments  
805 that make up the Bill of Rights and how the Constitution  
806 provides the structure of our government.

807 (c) The history of the state and the State Constitution.

808 (d)~~(b)~~ The most important arguments in support of adopting  
809 our republican form of government, as they are embodied in the  
810 most important of the Federalist Papers.

811 ~~(e) The essentials of the United States Constitution and~~  
812 ~~how it provides the structure of our government.~~

813 (e)~~(d)~~ Flag education, including proper flag display and  
814 flag salute.

815 (f)~~(e)~~ The elements of United States civil government,  
816 including the primary functions of and interrelationships  
817 between the Federal Government, the state, and its counties,  
818 municipalities, school districts, and special districts.

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819        (g) The history of the United States, including the period  
820 of discovery, early colonies, the War for Independence, the  
821 Civil War, Reconstruction, the expansion of the United States to  
822 its present boundaries, the world wars, and the Civil Rights  
823 Movement to the present. The history of the United States should  
824 be taught in a factual manner based on genuine history. The  
825 curriculum should include instruction on the universal  
826 principles stated in the United States Constitution and the  
827 Declaration of Independence.

828        (h)(f) The history of the Holocaust (1933-1945), the  
829 systematic, planned annihilation of European Jews and other  
830 groups by Nazi Germany, a watershed event in the history of  
831 humanity, to be taught in a manner that leads to an  
832 investigation of human behavior, an understanding of the  
833 ramifications of prejudice, racism, and stereotyping, and an  
834 examination of what it means to be a responsible and respectful  
835 person, for the purposes of encouraging tolerance of diversity  
836 in a pluralistic society and for nurturing and protecting  
837 democratic values and institutions.

838        (i)(g) The history of African Americans, including the  
839 history of African peoples before the political conflicts that  
840 led to the development of slavery, the passage to America, the  
841 enslavement experience, abolition, and the contributions of  
842 African Americans to society.

843        (j)(h) The elementary principles of agriculture.

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844        (k)~~(i)~~ The true effects of all alcoholic and intoxicating  
845 liquors and beverages and narcotics upon the human body and  
846 mind.

847        (l)~~(j)~~ Kindness to animals.

848        ~~(k) The history of the state.~~

849        (m)~~(l)~~ The conservation of natural resources.

850        (n)~~(m)~~ Comprehensive health education that addresses  
851 concepts of community health; consumer health; environmental  
852 health; family life, including an awareness of the benefits of  
853 sexual abstinence as the expected standard and the consequences  
854 of teenage pregnancy; ~~mental and emotional health;~~ injury  
855 prevention and safety; nutrition; personal health; prevention  
856 and control of disease; and substance use and abuse.

857        (o)~~(n)~~ Such additional materials, subjects, courses, or  
858 fields in such grades as are prescribed by law or by rules of  
859 the State Board of Education and the district school board in  
860 fulfilling the requirements of law.

861        (p)~~(o)~~ The study of Hispanic contributions to the United  
862 States.

863        (q)~~(p)~~ The study of women's contributions to the United  
864 States.

865        (r) The nature and importance of free enterprise to the  
866 United States economy.

867        (s)~~(q)~~ A character-development program in the elementary  
868 schools, similar to Character First or Character Counts, which  
869 is secular in nature ~~and stresses such character qualities as~~  
870 ~~attentiveness, patience, and initiative.~~ Beginning in school

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871 year 2004-2005, the character-development program shall be  
872 required in kindergarten through grade 12. Each district school  
873 board shall develop or adopt a curriculum for the character-  
874 development program that shall be submitted to the department  
875 for approval. The character-development curriculum shall stress  
876 the qualities of patriotism; responsibility; citizenship; the  
877 Golden Rule; kindness; respect for authority, human life,  
878 liberty, and personal property; honesty; charity; self-  
879 control; racial, ethnic, and religious tolerance; and  
880 cooperation.

881 ~~(t)~~ In order to encourage patriotism, the sacrifices  
882 that veterans have made in serving our country and protecting  
883 democratic values worldwide. Such instruction must occur on or  
884 before Veterans' Day and Memorial Day. Members of the  
885 instructional staff are encouraged to use the assistance of  
886 local veterans when practicable.

887 Section 19. Paragraph (g) of subsection (1) of section  
888 1003.43, Florida Statutes, is amended to read:

889 1003.43 General requirements for high school graduation.--

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

894 (g) One-half credit in American government, including  
895 study of the Declaration of Independence and the Constitution of  
896 the United States. For students entering the 9th grade in the  
897 1997-1998 school year and thereafter, the study of Florida

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898 government, including study of the State Constitution, the three  
899 branches of state government, and municipal and county  
900 government, shall be included as part of the required study of  
901 American government.

902

903 District school boards may award a maximum of one-half credit in  
904 social studies and one-half elective credit for student  
905 completion of nonpaid voluntary community or school service  
906 work. Students choosing this option must complete a minimum of  
907 75 hours of service in order to earn the one-half credit in  
908 either category of instruction. Credit may not be earned for  
909 service provided as a result of court action. District school  
910 boards that approve the award of credit for student volunteer  
911 service shall develop guidelines regarding the award of the  
912 credit, and school principals are responsible for approving  
913 specific volunteer activities. A course designated in the Course  
914 Code Directory as grade 9 through grade 12 that is taken below  
915 the 9th grade may be used to satisfy high school graduation  
916 requirements or Florida Academic Scholars award requirements as  
917 specified in a district school board's student progression plan.  
918 A student shall be granted credit toward meeting the  
919 requirements of this subsection for equivalent courses, as  
920 identified pursuant to s. 1007.271(6), taken through dual  
921 enrollment.

922 Section 20. Section 1003.57, Florida Statutes, is amended  
923 to read:

924 1003.57 Exceptional students instruction.--

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925        (1) Each district school board shall provide for an  
926 appropriate program of special instruction, facilities, and  
927 services for exceptional students as prescribed by the State  
928 Board of Education as acceptable, including provisions that:

929        ~~(a)(1)~~ The district school board provide the necessary  
930 professional services for diagnosis and evaluation of  
931 exceptional students.

932        ~~(b)(2)~~ The district school board provide the special  
933 instruction, classes, and services, either within the district  
934 school system, in cooperation with other district school  
935 systems, or through contractual arrangements with approved  
936 private schools or community facilities that meet standards  
937 established by the commissioner.

938        ~~(c)(3)~~ The district school board annually provide  
939 information describing the Florida School for the Deaf and the  
940 Blind and all other programs and methods of instruction  
941 available to the parent of a sensory-impaired student.

942        ~~(d)(4)~~ The district school board, once every 3 years,  
943 submit to the department its proposed procedures for the  
944 provision of special instruction and services for exceptional  
945 students.

946        ~~(e)(5)~~ No student be given special instruction or services  
947 as an exceptional student until after he or she has been  
948 properly evaluated, classified, and placed in the manner  
949 prescribed by rules of the State Board of Education. The parent  
950 of an exceptional student evaluated and placed or denied  
951 placement in a program of special education shall be notified of

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952 each such evaluation and placement or denial. Such notice shall  
953 contain a statement informing the parent that he or she is  
954 entitled to a due process hearing on the identification,  
955 evaluation, and placement, or lack thereof. Such hearings shall  
956 be exempt from the provisions of ss. 120.569, 120.57, and  
957 286.011, except to the extent that the State Board of Education  
958 adopts rules establishing other procedures and any records  
959 created as a result of such hearings shall be confidential and  
960 exempt from the provisions of s. 119.07(1). The hearing must be  
961 conducted by an administrative law judge from the Division of  
962 Administrative Hearings of the Department of Management  
963 Services. The decision of the administrative law judge shall be  
964 final, except that any party aggrieved by the finding and  
965 decision rendered by the administrative law judge shall have the  
966 right to bring a civil action in the circuit court. In such an  
967 action, the court shall receive the records of the  
968 administrative hearing and shall hear additional evidence at the  
969 request of either party. In the alternative, any party aggrieved  
970 by the finding and decision rendered by the administrative law  
971 judge shall have the right to request an impartial review of the  
972 administrative law judge's order by the district court of appeal  
973 as provided by s. 120.68. Notwithstanding any law to the  
974 contrary, during the pendency of any proceeding conducted  
975 pursuant to this section, unless the district school board and  
976 the parents otherwise agree, the student shall remain in his or  
977 her then-current educational assignment or, if applying for  
978 initial admission to a public school, shall be assigned, with

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979 the consent of the parents, in the public school program until  
980 all such proceedings have been completed.

981 ~~(f)(6)~~ In providing for the education of exceptional  
982 students, the district school superintendent, principals, and  
983 teachers shall utilize the regular school facilities and adapt  
984 them to the needs of exceptional students to the maximum extent  
985 appropriate. Segregation of exceptional students shall occur  
986 only if the nature or severity of the exceptionality is such  
987 that education in regular classes with the use of supplementary  
988 aids and services cannot be achieved satisfactorily.

989 ~~(g)(7)~~ In addition to the services agreed to in a  
990 student's individual education plan, the district school  
991 superintendent shall fully inform the parent of a student having  
992 a physical or developmental disability of all available services  
993 that are appropriate for the student's disability. The  
994 superintendent shall provide the student's parent with a summary  
995 of the student's rights.

996 (2)(a) An exceptional student with a disability who  
997 resides in a residential facility and receives special  
998 instruction or services is considered a resident of the state in  
999 which the parent is a resident. The cost of such instruction,  
1000 facilities, and services for a nonresident exceptional student  
1001 with a disability shall be provided by the placing authority,  
1002 such as a public school entity, other placing authority, or  
1003 parent, in the parent's state of residence. A nonresident  
1004 exceptional student with a disability who resides in a

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1005 residential facility may not be reported by any school district  
1006 for FTE funding in the Florida Education Finance Program.

1007 (b) The Department of Education shall provide to each  
1008 school district a statement of the specific limitations of the  
1009 district's financial obligation for exceptional students with  
1010 disabilities under federal and state law. The department shall  
1011 also provide to each school district technical assistance as  
1012 necessary for developing a local plan to impose on a parent's  
1013 state of residence the fiscal responsibility for educating a  
1014 nonresident exceptional student with a disability.

1015 (c) The Department of Education shall develop a process by  
1016 which a school district must, before providing services to an  
1017 exceptional student with a disability who resides in a  
1018 residential facility in this state, review the residency of the  
1019 student. The residential facility, not the district, is  
1020 responsible for billing and collecting from the parent's state  
1021 of residence for the nonresident student's educational and  
1022 related services.

1023 (d) This subsection applies to any nonresident exceptional  
1024 student with a disability who resides in a residential facility  
1025 and who receives instruction as an exceptional student with a  
1026 disability in any type of residential facility in this state,  
1027 including, but not limited to, a private school, a group home  
1028 facility as defined in s. 393.063, an intensive residential  
1029 treatment program for children and adolescents as defined in s.  
1030 395.002, a facility as defined in s. 394.455, an intermediate  
1031 care facility for the developmentally disabled or ICF/DD as

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1032 defined in s. 393.063 or s. 400.960, or a community residential  
1033 home as defined in s. 419.001.

1034 (3) Notwithstanding s. 1000.21(5), for purposes of this  
1035 section, the term "parent" is defined as either or both parents  
1036 of a student or any guardian of a student.

1037 (4) The State Board of Education may adopt rules pursuant  
1038 to ss. 120.536(1) and 120.54 to implement the provisions of this  
1039 section relating to determination of the residency of an  
1040 exceptional student with a disability.

1041 Section 21. Section 1003.575, Florida Statutes, is created  
1042 to read:

1043 1003.575 Individual education plans for exceptional  
1044 students.--The Department of Education shall coordinate the  
1045 development of an individual education plan (IEP) form for use  
1046 in developing and implementing individual education plans for  
1047 exceptional students. The IEP form shall have a streamlined  
1048 format and shall be compatible with federal standards. The  
1049 department shall make the IEP form available to each school  
1050 district in the state to facilitate the use of an existing IEP  
1051 when a student transfers from one school district to another.

1052 Section 22. Subsection (3) of section 1003.58, Florida  
1053 Statutes, is amended to read:

1054 1003.58 Students in residential care facilities.--Each  
1055 district school board shall provide educational programs  
1056 according to rules of the State Board of Education to students  
1057 who reside in residential care facilities operated by the  
1058 Department of Children and Family Services.

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1059 (3) The district school board shall have full and complete  
1060 authority in the matter of the assignment and placement of such  
1061 students in educational programs. The parent of an exceptional  
1062 student shall have the same due process rights as are provided  
1063 under s. 1003.57(1)(e)~~(5)~~.

1064  
1065 Notwithstanding the provisions herein, the educational program  
1066 at the Marianna Sunland Center in Jackson County shall be  
1067 operated by the Department of Education, either directly or  
1068 through grants or contractual agreements with other public or  
1069 duly accredited educational agencies approved by the Department  
1070 of Education.

1071 Section 23. Paragraph (a) of subsection (1) and paragraph  
1072 (a) of subsection (2) of section 1003.62, Florida Statutes, are  
1073 amended to read:

1074 1003.62 Academic performance-based charter school  
1075 districts.--The State Board of Education may enter into a  
1076 performance contract with district school boards as authorized  
1077 in this section for the purpose of establishing them as academic  
1078 performance-based charter school districts. The purpose of this  
1079 section is to examine a new relationship between the State Board  
1080 of Education and district school boards that will produce  
1081 significant improvements in student achievement, while complying  
1082 with constitutional and statutory requirements assigned to each  
1083 entity.

1084 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

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1085 (a) A school district shall be eligible for designation as  
1086 an academic performance-based charter school district if it is a  
1087 high-performing school district in which a minimum of 50 percent  
1088 of the schools earn a ~~performance~~ grade of category "A" or "B"  
1089 and in which no school earns a ~~performance~~ grade of category "D"  
1090 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools  
1091 that receive a ~~performance~~ grade of category "I" or "N" shall  
1092 not be included in this calculation. The performance contract  
1093 for a school district that earns a charter based on school  
1094 ~~performance~~ grades shall be predicated on maintenance of at  
1095 least 50 percent of the schools in the school district earning a  
1096 ~~performance~~ grade of category "A" or "B" with no school in the  
1097 school district earning a ~~performance~~ grade of category "D" or  
1098 "F" for 2 consecutive years. A school district in which the  
1099 number of schools that earn a ~~performance~~ grade of "A" or "B" is  
1100 less than 50 percent may have its charter renewed for 1 year;  
1101 however, if the percentage of "A" or "B" schools is less than 50  
1102 percent for 2 consecutive years, the charter shall not be  
1103 renewed.

1104 (2) EXEMPTION FROM STATUTES AND RULES.--

1105 (a) An academic performance-based charter school district  
1106 shall operate in accordance with its charter and shall be exempt  
1107 from certain State Board of Education rules and statutes if the  
1108 State Board of Education determines such an exemption will  
1109 assist the district in maintaining or improving its high-  
1110 performing status pursuant to paragraph (1)(a). However, the  
1111 State Board of Education may not exempt an academic performance-

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1112 based charter school district from any of the following  
1113 statutes:

1114 1. Those statutes pertaining to the provision of services  
1115 to students with disabilities.

1116 2. Those statutes pertaining to civil rights, including s.  
1117 1000.05, relating to discrimination.

1118 3. Those statutes pertaining to student health, safety,  
1119 and welfare.

1120 4. Those statutes governing the election or compensation  
1121 of district school board members.

1122 5. Those statutes pertaining to the student assessment  
1123 program and the school grading system, including chapter 1008.

1124 6. Those statutes pertaining to financial matters,  
1125 including chapter 1010.

1126 7. Those statutes pertaining to planning and budgeting,  
1127 including chapter 1011, except that ss. 1011.64 and 1011.69  
1128 shall be eligible for exemption.

1129 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),  
1130 relating to performance-pay and differentiated-pay policies for  
1131 school administrators and instructional personnel. Professional  
1132 service contracts shall be subject to the provisions of ss.  
1133 1012.33 and 1012.34.

1134 9. Those statutes pertaining to educational facilities,  
1135 including chapter 1013, except as specified under contract with  
1136 the State Board of Education. However, no contractual provision  
1137 that could have the effect of requiring the appropriation of

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1138 additional capital outlay funds to the academic performance-  
1139 based charter school district shall be valid.

1140 Section 24. Paragraph (e) of subsection (2) of section  
1141 1005.22, Florida Statutes, is amended to read:

1142 1005.22 Powers and duties of commission.--

1143 (2) The commission may:

1144 (e) Advise the Governor, the Legislature, the State Board  
1145 of Education, ~~the Council for Education Policy Research and~~  
1146 ~~Improvement~~, and the Commissioner of Education on issues  
1147 relating to private postsecondary education.

1148 Section 25. Subsection (3) of section 1007.33, Florida  
1149 Statutes, is amended to read:

1150 1007.33 Site-determined baccalaureate degree access.--

1151 (3) A community college may develop a proposal to deliver  
1152 specified baccalaureate degree programs in its district to meet  
1153 local workforce needs. The proposal must be submitted to the  
1154 State Board of Education for approval. The community college's  
1155 proposal must include the following information:

1156 (a) Demand for the baccalaureate degree program is  
1157 identified by the workforce development board, local businesses  
1158 and industry, local chambers of commerce, and potential  
1159 students.

1160 (b) Unmet need for graduates of the proposed degree  
1161 program is substantiated.

1162 (c) The community college has the facilities and academic  
1163 resources to deliver the program.

1164

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1165 | ~~The proposal must be submitted to the Council for Education~~  
1166 | ~~Policy Research and Improvement for review and comment.~~ Upon  
1167 | approval of the State Board of Education for the specific degree  
1168 | program or programs, the community college shall pursue regional  
1169 | accreditation by the Commission on Colleges of the Southern  
1170 | Association of Colleges and Schools. Any additional  
1171 | baccalaureate degree programs the community college wishes to  
1172 | offer must be approved by the State Board of Education.

1173 |       Section 26. Paragraph (f) of subsection (1), paragraphs  
1174 | (c) and (e) of subsection (3), and subsection (9) of section  
1175 | 1008.22, Florida Statutes, are amended, subsection (10) is  
1176 | renumbered as subsection (11), and a new subsection (10) is  
1177 | added to said section, to read:

1178 |       1008.22 Student assessment program for public schools.--

1179 |       (1) PURPOSE.--The primary purposes of the student  
1180 | assessment program are to provide information needed to improve  
1181 | the public schools by enhancing the learning gains of all  
1182 | students and to inform parents of the educational progress of  
1183 | their public school children. The program must be designed to:

1184 |       (f) Provide information on the performance of Florida  
1185 | students compared with other students ~~others~~ across the United  
1186 | States.

1187 |       (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
1188 | design and implement a statewide program of educational  
1189 | assessment that provides information for the improvement of the  
1190 | operation and management of the public schools, including  
1191 | schools operating for the purpose of providing educational

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1192 services to youth in Department of Juvenile Justice programs.  
1193 The commissioner may enter into contracts for the continued  
1194 administration of the assessment, testing, and evaluation  
1195 programs authorized and funded by the Legislature. Contracts may  
1196 be initiated in 1 fiscal year and continue into the next and may  
1197 be paid from the appropriations of either or both fiscal years.  
1198 The commissioner is authorized to negotiate for the sale or  
1199 lease of tests, scoring protocols, test scoring services, and  
1200 related materials developed pursuant to law. Pursuant to the  
1201 statewide assessment program, the commissioner shall:

1202 (c) Develop and implement a student achievement testing  
1203 program known as the Florida Comprehensive Assessment Test  
1204 (FCAT) as part of the statewide assessment program, ~~to be~~  
1205 ~~administered annually in grades 3 through 10~~ to measure reading,  
1206 writing, science, and mathematics. Other content areas may be  
1207 included as directed by the commissioner. The assessment of  
1208 reading and mathematics shall be administered annually in grades  
1209 3 through 10. The assessment of writing and science shall be  
1210 administered at least once at the elementary, middle, and high  
1211 school levels. The testing program must be designed so that:

1212 1. The tests measure student skills and competencies  
1213 adopted by the State Board of Education as specified in  
1214 paragraph (a). The tests must measure and report student  
1215 proficiency levels in reading, writing, mathematics, and  
1216 science. The commissioner shall provide for the tests to be  
1217 developed or obtained, as appropriate, through contracts and  
1218 project agreements with private vendors, public vendors, public

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1219 agencies, postsecondary educational institutions, or school  
1220 districts. The commissioner shall obtain input with respect to  
1221 the design and implementation of the testing program from state  
1222 educators and the public.

1223 2. The testing program will include a combination of norm-  
1224 referenced and criterion-referenced tests and include, to the  
1225 extent determined by the commissioner, questions that require  
1226 the student to produce information or perform tasks in such a  
1227 way that the skills and competencies he or she uses can be  
1228 measured.

1229 3. Each testing program, whether at the elementary,  
1230 middle, or high school level, includes a test of writing in  
1231 which students are required to produce writings that are then  
1232 scored by appropriate methods.

1233 4. A score is designated for each subject area tested,  
1234 below which score a student's performance is deemed inadequate.  
1235 The school districts shall provide appropriate remedial  
1236 instruction to students who score below these levels.

1237 5. Except as provided in s. 1003.43(11)(b), students must  
1238 earn a passing score on the grade 10 assessment test described  
1239 in this paragraph or on an alternate assessment as described in  
1240 subsection (9) in reading, writing, and mathematics to qualify  
1241 for a regular high school diploma. The State Board of Education  
1242 shall designate a passing score for each part of the grade 10  
1243 assessment test. In establishing passing scores, the state board  
1244 shall consider any possible negative impact of the test on  
1245 minority students. ~~All students who took the grade 10 FCAT~~

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1246 ~~during the 2000-2001 school year shall be required to earn the~~  
1247 ~~passing scores in reading and mathematics established by the~~  
1248 ~~State Board of Education for the March 2001 test administration.~~  
1249 ~~Such students who did not earn the established passing scores~~  
1250 ~~and must repeat the grade 10 FCAT are required to earn the~~  
1251 ~~passing scores established for the March 2001 test~~  
1252 ~~administration. All students who take the grade 10 FCAT for the~~  
1253 ~~first time in March 2002 shall be required to earn the passing~~  
1254 ~~scores in reading and mathematics established by the State Board~~  
1255 ~~of Education for the March 2002 test administration. The State~~  
1256 ~~Board of Education shall adopt rules which specify the passing~~  
1257 ~~scores for the grade 10 FCAT. Any such rules, which have the~~  
1258 ~~effect of raising the required passing scores, shall only apply~~  
1259 ~~to students taking the grade 10 FCAT for the first time after~~  
1260 ~~such rules are adopted by the State Board of Education.~~

1261         6. Participation in the testing program is mandatory for  
1262 all students attending public school, including students served  
1263 in Department of Juvenile Justice programs, except as otherwise  
1264 prescribed by the commissioner. If a student does not  
1265 participate in the statewide assessment, the district must  
1266 notify the student's parent and provide the parent with  
1267 information regarding the implications of such nonparticipation.  
1268 If modifications are made in the student's instruction to  
1269 provide accommodations that would not be permitted on the  
1270 statewide assessment tests, the district must notify the  
1271 student's parent of the implications of such instructional  
1272 modifications. A parent must provide signed consent for a

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1273 student to receive instructional modifications that would not be  
1274 permitted on the statewide assessments and must acknowledge in  
1275 writing that he or she understands the implications of such  
1276 accommodations. The State Board of Education shall adopt rules,  
1277 based upon recommendations of the commissioner, for the  
1278 provision of test accommodations and modifications of procedures  
1279 as necessary for students in exceptional education programs and  
1280 for students who have limited English proficiency.

1281 Accommodations that negate the validity of a statewide  
1282 assessment are not allowable.

1283 7. A student seeking an adult high school diploma must  
1284 meet the same testing requirements that a regular high school  
1285 student must meet.

1286 8. District school boards must provide instruction to  
1287 prepare students to demonstrate proficiency in the skills and  
1288 competencies necessary for successful grade-to-grade progression  
1289 and high school graduation. If a student is provided with  
1290 accommodations or modifications that are not allowable in the  
1291 statewide assessment program, as described in the test manuals,  
1292 the district must inform the parent in writing and must provide  
1293 the parent with information regarding the impact on the  
1294 student's ability to meet expected proficiency levels in  
1295 reading, writing, and math. The commissioner shall conduct  
1296 studies as necessary to verify that the required skills and  
1297 competencies are part of the district instructional programs.

1298 9. The Department of Education must develop, or select,  
1299 and implement a common battery of assessment tools that will be

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1300 used in all juvenile justice programs in the state. These tools  
1301 must accurately measure the skills and competencies established  
1302 in the Florida Sunshine State Standards.

1303  
1304 The commissioner may design and implement student testing  
1305 programs, for any grade level and subject area, necessary to  
1306 effectively monitor educational achievement in the state.

1307 (e) Conduct ongoing research and analysis of student  
1308 achievement data, including, without limitation, monitoring  
1309 trends in student achievement by grade level and overall student  
1310 achievement, identifying school programs that are successful,  
1311 and analyzing correlates of school achievement.

1312 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

1313 (a) The State Board of Education shall conduct concordance  
1314 studies, as necessary, to determine scores on the SAT and the  
1315 ACT equivalent to those required on the FCAT for high school  
1316 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

1317 (b)(a) The Commissioner of Education shall approve the use  
1318 of the SAT and ACT tests as alternative assessments to the grade  
1319 10 FCAT ~~for the 2003-2004 school year~~. Students who attain  
1320 scores on the SAT or ACT which equate to the passing scores on  
1321 the grade 10 FCAT for purposes of high school graduation shall  
1322 satisfy the assessment requirement for a standard high school  
1323 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~  
1324 ~~the 2003-2004 school year~~ if the students meet the requirement  
1325 in paragraph (c)(b).

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1326        ~~(c)(b)~~ A student shall be required to take each subject  
1327 area of the grade 10 FCAT a total of three times without earning  
1328 a passing score in order to use the corresponding subject area  
1329 scores on an alternative assessment pursuant to paragraph  
1330 ~~(b)(a)~~. This requirement shall not apply to a new student who  
1331 enters is a new student to the Florida public school system in  
1332 grade 12, who may either take the FCAT or use approved score  
1333 equivalencies to fulfill the graduation requirement.

1334        (10) REPORTS.--The Department of Education shall annually  
1335 provide a report to the Governor, the President of the Senate,  
1336 and the Speaker of the House of Representatives on the  
1337 following:

1338        (a) Longitudinal performance of students in mathematics  
1339 and reading.

1340        (b) Longitudinal performance of students by grade level in  
1341 mathematics and reading.

1342        (c) Longitudinal performance regarding efforts to close  
1343 the achievement gap.

1344        (d) Longitudinal performance of students on the norm-  
1345 referenced component of the FCAT.

1346        (e) Other student performance data based on national norm-  
1347 referenced and criterion-referenced tests, when available, and  
1348 numbers of students who after 8th grade enroll in adult  
1349 education rather than other secondary education.

1350        Section 27. Paragraph (b) of subsection (4) and paragraph  
1351 (b) of subsection (8) of section 1008.25, Florida Statutes, are

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1352 amended, and paragraph (c) is added to subsection (8) of said  
1353 section, to read:

1354 1008.25 Public school student progression; remedial  
1355 instruction; reporting requirements.--

1356 (4) ASSESSMENT AND REMEDIATION.--

1357 (b) The school in which the student is enrolled must  
1358 develop, in consultation with the student's parent, and must  
1359 implement an academic improvement plan designed to assist the  
1360 student in meeting state and district expectations for  
1361 proficiency. For a student for whom a personalized middle school  
1362 success plan is required pursuant to s. 1003.415, the middle  
1363 school success plan must be incorporated in the student's  
1364 academic improvement plan. Beginning with the 2002-2003 school  
1365 year, if the student has been identified as having a deficiency  
1366 in reading, the academic improvement plan shall identify the  
1367 student's specific areas of deficiency in phonemic awareness,  
1368 phonics, fluency, comprehension, and vocabulary; the desired  
1369 levels of performance in these areas; and the instructional and  
1370 support services to be provided to meet the desired levels of  
1371 performance. Schools shall also provide for the frequent  
1372 monitoring of the student's progress in meeting the desired  
1373 levels of performance. District school boards may require low-  
1374 performing students to attend remediation programs held before  
1375 or after regular school hours, upon the request of the school  
1376 principal, and shall assist schools and teachers to implement  
1377 research-based reading activities that have been shown to be  
1378 successful in teaching reading to low-performing students.

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1379 Remedial instruction provided during high school may not be in  
1380 lieu of English and mathematics credits required for graduation.

1381 (8) ANNUAL REPORT.--

1382 (b) ~~Beginning with the 2001-2002 school year,~~ Each  
1383 district school board must annually publish in the local  
1384 newspaper, and report in writing to the State Board of Education  
1385 by September 1 of each year, the following information on the  
1386 prior school year:

1387 1. The provisions of this section relating to public  
1388 school student progression and the district school board's  
1389 policies and procedures on student retention and promotion.

1390 2. By grade, the number and percentage of all students in  
1391 grades 3 through 10 performing at Levels 1 and 2 on the reading  
1392 portion of the FCAT.

1393 3. By grade, the number and percentage of all students  
1394 retained in grades 3 through 10.

1395 4. Information on the total number of students who were  
1396 promoted for good cause, by each category of good cause as  
1397 specified in paragraph (6)(b).

1398 5. Any revisions to the district school board's policy on  
1399 student retention and promotion from the prior year.

1400 (c) The Department of Education shall establish a uniform  
1401 format for school districts to report the information required  
1402 in paragraph (b). The format shall be developed with input from  
1403 school districts and shall be provided not later than 60 days  
1404 prior to the annual due date. The department shall annually  
1405 compile the information required in subparagraphs (b)2., 3., and

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1406 4., along with state-level summary information, and report such  
1407 information to the Governor, the President of the Senate, and  
1408 the Speaker of the House of Representatives.

1409 Section 28. Section 1008.301, Florida Statutes, is  
1410 repealed.

1411 Section 29. Section 1008.31, Florida Statutes, is amended  
1412 to read:

1413 1008.31 Florida's K-20 education performance  
1414 accountability system; legislative intent; public accountability  
1415 and reporting performance-based funding; mission, goals, and  
1416 systemwide measures.--

1417 (1) LEGISLATIVE INTENT.--It is the intent of the  
1418 Legislature that:

1419 (a) The performance accountability system implemented to  
1420 assess the effectiveness of Florida's seamless K-20 education  
1421 delivery system provide answers to the following questions in  
1422 relation to its mission and goals:

1423 1. What is the public receiving in return for funds it  
1424 invests in education?

1425 2. How effectively is Florida's K-20 education system  
1426 educating its students?

1427 3. How effectively are the major delivery sectors  
1428 promoting student achievement?

1429 4. How are individual schools and postsecondary education  
1430 institutions performing their responsibility to educate their  
1431 students as measured by how students are performing and how much  
1432 they are learning?

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1433 (b) The K-20 education performance accountability system  
1434 be established as a single, unified accountability system with  
1435 multiple components, including, but not limited to, measures of  
1436 adequate yearly progress, individual student learning gains in  
1437 public schools, school grades, and return on investment.

1438 (c) The K-20 education performance accountability system  
1439 comply with the accountability requirements of the "No Child  
1440 Left Behind Act of 2001," Pub. L. No. 107-110.

1441 (d) The State Board of Education recommend to the  
1442 Legislature systemwide performance standards; the Legislature  
1443 establish systemwide performance measures and standards; and the  
1444 systemwide measures and standards provide Floridians with  
1445 information on what the public is receiving in return for the  
1446 funds it invests in education and how well the K-20 system  
1447 educates its students.

1448 (e) The State Board of Education establish performance  
1449 measures and set performance standards for individual components  
1450 of the public education system, including individual schools and  
1451 postsecondary educational institutions, with measures and  
1452 standards based primarily on student achievement.

1453 ~~(2) PERFORMANCE-BASED FUNDING.~~

1454 ~~(a) The State Board of Education shall cooperate with each~~  
1455 ~~delivery system to develop proposals for performance-based~~  
1456 ~~funding, using performance measures adopted pursuant to this~~  
1457 ~~section.~~

1458 ~~(b) The State Board of Education proposals must provide~~  
1459 ~~that at least 10 percent of the state funds appropriated for the~~

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1460 ~~K-20 education system are conditional upon meeting or exceeding~~  
1461 ~~established performance standards.~~

1462 ~~(c) The State Board of Education shall adopt guidelines~~  
1463 ~~required to implement performance-based funding that allow 1~~  
1464 ~~year to demonstrate achievement of specified performance~~  
1465 ~~standards prior to a reduction in appropriations pursuant to~~  
1466 ~~this section.~~

1467 ~~(d) By December 1, 2003, the State Board of Education~~  
1468 ~~shall adopt common definitions, measures, standards, and~~  
1469 ~~performance improvement targets required to:~~

1470 ~~1. Use the state core measures and the sector-specific~~  
1471 ~~measures to evaluate the progress of each sector of the~~  
1472 ~~educational delivery system toward meeting the systemwide goals~~  
1473 ~~for public education.~~

1474 ~~2. Notify the sectors of their progress in achieving the~~  
1475 ~~specified measures so that they may develop improvement plans~~  
1476 ~~that directly influence decisions about policy, program~~  
1477 ~~development, and management.~~

1478 ~~3. Implement the performance-based budgeting system~~  
1479 ~~described in this section.~~

1480 ~~(e) During the 2003-2004 fiscal year, the Department of~~  
1481 ~~Education shall collect data required to establish progress,~~  
1482 ~~rewards, and sanctions.~~

1483 ~~(f) By December 1, 2004, the Department of Education shall~~  
1484 ~~recommend to the Legislature a formula for performance-based~~  
1485 ~~funding that applies accountability standards for the individual~~  
1486 ~~components of the public education system at every level,~~

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1487 ~~kindergarten through graduate school. Effective for the 2004-~~  
1488 ~~2005 fiscal year and thereafter, subject to annual legislative~~  
1489 ~~approval in the General Appropriations Act, performance-based~~  
1490 ~~funds shall be allocated based on the progress, rewards, and~~  
1491 ~~sanctions established pursuant to this section.~~

1492 (2)(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1493 (a) The mission of Florida's K-20 education system shall  
1494 be to increase the proficiency of all students within one  
1495 seamless, efficient system, by allowing them the opportunity to  
1496 expand their knowledge and skills through learning opportunities  
1497 and research valued by students, parents, and communities.

1498 (b) The process ~~State Board of Education shall adopt~~  
1499 ~~guiding principles~~ for establishing state and sector-specific  
1500 standards and measures must be:

1501 1. Focused on student success.

1502 2. Addressable through policy and program changes.

1503 3. Efficient and of high quality.

1504 4. Measurable over time.

1505 5. Simple to explain and display to the public.

1506 6. Aligned with other measures and other sectors to  
1507 support a coordinated K-20 education system.

1508 (c) The Department ~~State Board~~ of Education shall maintain  
1509 an accountability system that measures student progress toward  
1510 the following goals:

1511 1. Highest student achievement, as indicated by evidence  
1512 of student learning gains at all levels ~~measured by: student~~  
1513 ~~FCAT performance and annual learning gains; the number and~~

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1514 ~~percentage of schools that improve at least one school~~  
1515 ~~performance grade designation or maintain a school performance~~  
1516 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
1517 ~~completion rates at all learning levels; and other measures~~  
1518 ~~identified in law or rule.~~

1519       2. Seamless articulation and maximum access, as measured  
1520 by evidence of progression, readiness, and access by targeted  
1521 groups of students identified by the Commissioner of Education;  
1522 ~~the percentage of students who demonstrate readiness for the~~  
1523 ~~educational level they are entering, from kindergarten through~~  
1524 ~~postsecondary education and into the workforce; the number and~~  
1525 ~~percentage of students needing remediation; the percentage of~~  
1526 ~~Floridians who complete associate, baccalaureate, graduate,~~  
1527 ~~professional, and postgraduate degrees; the number and~~  
1528 ~~percentage of credits that articulate; the extent to which each~~  
1529 ~~set of exit-point requirements matches the next set of entrance-~~  
1530 ~~point requirements; the degree to which underserved populations~~  
1531 ~~access educational opportunity; the extent to which access is~~  
1532 ~~provided through innovative educational delivery strategies; and~~  
1533 ~~other measures identified in law or rule.~~

1534       3. Skilled workforce and economic development, as measured  
1535 by evidence of employment and earnings; ~~the number and~~  
1536 ~~percentage of graduates employed in their areas of preparation;~~  
1537 ~~the percentage of Floridians with high school diplomas and~~  
1538 ~~postsecondary education credentials; the percentage of business~~  
1539 ~~and community members who find that Florida's graduates possess~~

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1540 ~~the skills they need; national rankings; and other measures~~  
1541 ~~identified in law or rule.~~

1542 4. Quality efficient services, as measured by evidence of  
1543 return on investment; cost per completer or graduate; average  
1544 cost per noncompleter at each educational level; cost disparity  
1545 across institutions offering the same degrees; the percentage of  
1546 education customers at each educational level who are satisfied  
1547 with the education provided; and other measures identified in  
1548 law or rule.

1549 5. Other goals as identified by law or rule.

1550 (3)(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE  
1551 DATA COLLECTION.--To provide data required to implement  
1552 education performance accountability measures in state and  
1553 federal law, the Commissioner of Education shall initiate and  
1554 maintain strategies to improve data quality and timeliness.

1555 (a) School districts and public postsecondary educational  
1556 institutions shall maintain information systems that will  
1557 provide the State Board of Education, the Board of Governors,  
1558 and the Legislature with information and reports necessary to  
1559 address the specifications of the accountability system. The  
1560 State Board of Education shall determine the standards for the  
1561 required data. The level of comprehensiveness and quality shall  
1562 be no less than that which was available as of June 30, 2001.

1563 (b) The Commissioner of Education shall determine the  
1564 standards for the required data, monitor data quality, and  
1565 measure improvements. The commissioner shall report annually to  
1566 the State Board of Education, the Board of Governors, the

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1567 President of the Senate, and the Speaker of the House of  
1568 Representatives data quality indicators and ratings for all  
1569 school districts and public postsecondary educational  
1570 institutions.

1571 (4) REPORTING OR DATA COLLECTION.--The department shall  
1572 coordinate with school districts in developing any reporting or  
1573 data collection requirements to address the specifications of  
1574 the accountability system. Before establishing any new reporting  
1575 or data collection requirements, the department shall utilize  
1576 any existing data being collected to reduce duplication and  
1577 minimize paperwork.

1578 (5) RULES.--The State Board of Education shall adopt rules  
1579 pursuant to ss. 120.536(1) and 120.54 to implement the  
1580 provisions of this section.

1581 Section 30. Subsections (1), (2), and (4) of section  
1582 1008.33, Florida Statutes, are amended to read:

1583 1008.33 Authority to enforce public school  
1584 improvement.--It is the intent of the Legislature that all  
1585 public schools be held accountable for students performing at  
1586 acceptable levels. A system of school improvement and  
1587 accountability that assesses student performance by school,  
1588 identifies schools in which students are not making adequate  
1589 progress toward state standards, institutes appropriate measures  
1590 for enforcing improvement, and provides rewards and sanctions  
1591 based on performance shall be the responsibility of the State  
1592 Board of Education.

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1593 (1) Pursuant to Art. IX of the State Constitution  
1594 prescribing the duty of the State Board of Education to  
1595 supervise Florida's public school system and notwithstanding any  
1596 other statutory provisions to the contrary, the State Board of  
1597 Education shall intervene in the operation of a district school  
1598 system when one or more schools in the school district have  
1599 failed to make adequate progress for 2 school years in a 4-year  
1600 period. For purposes of determining when a school is eligible  
1601 for state board action and opportunity scholarships for its  
1602 students, the terms "2 years in any 4-year period" and "2 years  
1603 in a 4-year period" mean that in any year that a school has a  
1604 grade of "F," the school is eligible for state board action and  
1605 opportunity scholarships for its students if it also has had a  
1606 grade of "F" in any of the previous 3 school years. The State  
1607 Board of Education may determine that the school district or  
1608 school has not taken steps sufficient for students in the school  
1609 to be academically well served. Considering recommendations of  
1610 the Commissioner of Education, the State Board of Education  
1611 shall recommend action to a district school board intended to  
1612 improve educational services to students in each school that is  
1613 designated with a as performance grade of category "F."  
1614 Recommendations for actions to be taken in the school district  
1615 shall be made only after thorough consideration of the unique  
1616 characteristics of a school, which shall include student  
1617 mobility rates, the number and type of exceptional students  
1618 enrolled in the school, and the availability of options for  
1619 improved educational services. The state board shall adopt by

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1620 rule steps to follow in this process. Such steps shall provide  
1621 school districts sufficient time to improve student performance  
1622 in schools and the opportunity to present evidence of assistance  
1623 and interventions that the district school board has  
1624 implemented.

1625 (2) The State Board of Education may recommend one or more  
1626 of the following actions to district school boards to enable  
1627 students in schools designated with a as performance grade of  
1628 ~~category~~ "F" to be academically well served by the public school  
1629 system:

1630 (a) Provide additional resources, change certain  
1631 practices, and provide additional assistance if the state board  
1632 determines the causes of inadequate progress to be related to  
1633 school district policy or practice;

1634 (b) Implement a plan that satisfactorily resolves the  
1635 education equity problems in the school;

1636 (c) Contract for the educational services of the school,  
1637 or reorganize the school at the end of the school year under a  
1638 new school principal who is authorized to hire new staff and  
1639 implement a plan that addresses the causes of inadequate  
1640 progress;

1641 (d) Transfer high-quality teachers, faculty, and staff as  
1642 needed to ensure adequate educational opportunities designed to  
1643 improve the performance of students in a low-performing school;

1644 (e)-(d) Allow parents of students in the school to send  
1645 their children to another district school of their choice; or

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1646        (f)~~(e)~~ Other action appropriate to improve the school's  
1647 performance.

1648        (4) The State Board of Education may require the  
1649 Department of Education or Chief Financial Officer to withhold  
1650 any transfer of state funds to the school district if, within  
1651 the timeframe specified in state board action, the school  
1652 district has failed to comply with the action ordered to improve  
1653 the district's low-performing schools. Withholding the transfer  
1654 of funds shall occur only after all other recommended actions  
1655 for school improvement have failed to improve performance. The  
1656 State Board of Education may impose the same penalty on any  
1657 district school board that fails to develop and implement a plan  
1658 for assistance and intervention for low-performing schools as  
1659 specified in s. 1001.42(16) (d)~~(e)~~.

1660        Section 31. Section 1008.34, Florida Statutes, is amended  
1661 to read:

1662        1008.34 School grading system; school report cards;  
1663 district ~~performance~~ grade.--

1664        (1) ANNUAL REPORTS.--The Commissioner of Education shall  
1665 prepare annual reports of the results of the statewide  
1666 assessment program which describe student achievement in the  
1667 state, each district, and each school. The commissioner shall  
1668 prescribe the design and content of these reports, which must  
1669 include, without limitation, descriptions of the performance of  
1670 all schools participating in the assessment program and all of  
1671 their major student populations as determined by the  
1672 Commissioner of Education, and must also include the median

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1673 scores of all eligible students who scored at or in the lowest  
1674 25th percentile of the state in the previous school year;  
1675 provided, however, that the provisions of s. 1002.22 pertaining  
1676 to student records apply to this section.

1677 (2) SCHOOL GRADES PERFORMANCE GRADE CATEGORIES.--The  
1678 annual report shall identify schools as having one of the  
1679 following grades being in one of the following grade categories  
1680 defined according to rules of the State Board of Education:

- 1681 (a) "A," schools making excellent progress.  
1682 (b) "B," schools making above average progress.  
1683 (c) "C," schools making satisfactory progress.  
1684 (d) "D," schools making less than satisfactory progress.  
1685 (e) "F," schools failing to make adequate progress.

1686  
1687 Each school designated with a in-performance grade of category  
1688 "A," making excellent progress, or having improved at least two  
1689 performance grade levels categories, shall have greater  
1690 authority over the allocation of the school's total budget  
1691 generated from the FEFP, state categoricals, lottery funds,  
1692 grants, and local funds, as specified in state board rule. The  
1693 rule must provide that the increased budget authority shall  
1694 remain in effect until the school's performance grade declines.

1695 (3) DESIGNATION OF SCHOOL GRADES PERFORMANCE GRADE  
1696 CATEGORIES.--All schools shall receive a school grade except  
1697 those alternative schools that receive a school improvement  
1698 rating pursuant to s. 1008.341. Alternative schools may choose  
1699 to receive a school grade pursuant to the provisions of this

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1700 section in lieu of a school improvement rating described in s.  
1701 1008.341. School grades performance grade category designations  
1702 itemized in subsection (2) shall be based on the following:

1703 (a) Criteria Timeframes.--A school's grade shall be based  
1704 on a combination of:

1705 1. Student achievement scores ~~School performance grade~~  
1706 ~~category designations shall be based on the school's current~~  
1707 ~~year performance and the school's annual learning gains.~~

1708 2. ~~A school's performance grade category designation shall~~  
1709 ~~be based on a combination of student achievement scores, Student~~  
1710 ~~learning gains as measured by annual FCAT assessments in grades~~  
1711 ~~3 through 10., and~~

1712 3. Improvement of the lowest 25th percentile of students  
1713 in the school ~~in reading, math, or writing~~ on the FCAT Reading,  
1714 unless these students are exhibiting ~~performing~~ above  
1715 satisfactory performance.

1716 (b) Student assessment data.--Student assessment data used  
1717 in determining school grades performance grade categories shall  
1718 include:

1719 1. The aggregate scores of all eligible students enrolled  
1720 in the school who have been assessed on the FCAT.

1721 2. The aggregate scores of all eligible students enrolled  
1722 in the school who have been assessed on the FCAT, including  
1723 Florida Writes, and who have scored at or in the lowest 25th  
1724 percentile of students in the school in reading, math, or  
1725 writing, unless these students are exhibiting ~~performing~~ above  
1726 satisfactory performance.

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1727 3. The achievement scores and learning gains of eligible  
1728 students attending alternative schools that provide dropout  
1729 prevention and academic intervention services pursuant to s.  
1730 1003.53. The term "eligible students" in this subparagraph does  
1731 not include students attending an alternative school who are  
1732 subject to district school board policies for expulsion for  
1733 repeated or serious offenses, who are in dropout retrieval  
1734 programs serving students who have officially been designated as  
1735 dropouts, or who are in Department of Juvenile Justice operated  
1736 and contracted programs. The student performance data for  
1737 eligible students identified in this subparagraph shall be  
1738 included in the calculation of the home school's grade. For  
1739 purposes of this section and s. 1008.341, "home school" means  
1740 the school the student was attending when assigned to an  
1741 alternative school or the school to which the student would be  
1742 assigned if the student left the alternative school. If an  
1743 alternative school chooses to be graded pursuant to this  
1744 section, student performance data for eligible students  
1745 identified in this subparagraph shall not be included in the  
1746 home school's grade but shall only be included in calculation of  
1747 the alternative school's improvement rating. School districts  
1748 must ensure collaboration between the home school and the  
1749 alternative school to promote student success.

1750  
1751 ~~The Department of Education shall study the effects of mobility~~  
1752 ~~on the performance of highly mobile students and recommend~~  
1753 ~~programs to improve the performance of such students.~~ The State

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1754 Board of Education shall adopt appropriate criteria for each  
1755 school ~~performance grade category~~. The criteria must also give  
1756 added weight to student achievement in reading. Schools  
1757 designated with a ~~as performance grade of category~~ "C," making  
1758 satisfactory progress, shall be required to demonstrate that  
1759 adequate progress has been made by students in the school who  
1760 are in the lowest 25th percentile in reading, math, or writing  
1761 on the FCAT, including Florida Writes, unless these students are  
1762 ~~exhibiting performing~~ above satisfactory performance.

1763 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall  
1764 identify each school's performance as having improved, remained  
1765 the same, or declined. This school improvement rating shall be  
1766 based on a comparison of the current year's and previous year's  
1767 student and school performance data. Schools that improve at  
1768 least one ~~performance grade category~~ are eligible for school  
1769 recognition awards pursuant to s. 1008.36.

1770 (5) SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND  
1771 IMPROVEMENT RATING REPORTS.--The Department of Education shall  
1772 annually develop, in collaboration with the school districts, a  
1773 school report card to be delivered to parents throughout each  
1774 school district. The report card shall include the school's  
1775 grade, information regarding school improvement, an explanation  
1776 of school performance as evaluated by the federal No Child Left  
1777 Behind Act of 2001, and indicators of return on investment.  
1778 ~~School performance grade category designations and improvement~~  
1779 ~~ratings shall apply to each school's performance for the year in~~  
1780 ~~which performance is measured.~~ Each school's report card

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1781 ~~designation and rating~~ shall be published annually by the  
1782 department on its website, ~~of Education~~ and the school district  
1783 shall provide the school report card to each parent. ~~Parents~~  
1784 ~~shall be entitled to an easy-to-read report card about the~~  
1785 ~~designation and rating of the school in which their child is~~  
1786 ~~enrolled.~~

1787 (6)(7) PERFORMANCE-BASED FUNDING.--The Legislature may  
1788 factor in the performance of schools in calculating any  
1789 performance-based funding policy that is provided for annually  
1790 in the General Appropriations Act.

1791 (7)(8) DISTRICT PERFORMANCE GRADE.--The annual report  
1792 required by subsection (1) shall include district ~~performance~~  
1793 grades, which shall consist of weighted district average grades,  
1794 by level, for all elementary schools, middle schools, and high  
1795 schools in the district. A district's weighted average grade  
1796 shall be calculated by weighting individual school grades  
1797 determined pursuant to subsection (2) by school enrollment.

1798 (8)(6) RULES.--The State Board of Education shall adopt  
1799 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
1800 provisions of this section.

1801 Section 32. Section 1008.341, Florida Statutes, is created  
1802 to read:

1803 1008.341 School improvement rating for alternative  
1804 schools.--

1805 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
1806 prepare an annual report on the performance of each school  
1807 receiving a school improvement rating pursuant to this section

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1808 provided that the provisions of s. 1002.22 pertaining to student  
1809 records shall apply.

1810 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
1811 provide dropout prevention and academic intervention services  
1812 pursuant to s. 1003.53 shall receive a school improvement rating  
1813 pursuant to this section. The school improvement rating shall  
1814 identify schools as having one of the following ratings defined  
1815 according to rules of the State Board of Education:

1816 (a) "Improving," schools with students making more  
1817 academic progress than when the students were served in their  
1818 home schools.

1819 (b) "Maintaining," schools with students making progress  
1820 equivalent to the progress made when the students were served in  
1821 their home schools.

1822 (c) "Declining," schools with students making less  
1823 academic progress than when the students were served in their  
1824 home schools.

1825  
1826 The school improvement rating shall be based on a comparison of  
1827 each student's current year and previous year performance.  
1828 Schools that improve at least one level or maintain an  
1829 "improving" rating pursuant to this section are eligible for  
1830 school recognition awards pursuant to s. 1008.36.

1831 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
1832 assessment data used in determining an alternative school's  
1833 school improvement rating shall include:

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1834        (a) The aggregate scores of all eligible students who were  
1835 assigned to and enrolled in the school during the October or  
1836 February FTE count, who have been assessed on the FCAT, and who  
1837 have FCAT or comparable scores for the preceding school year.

1838        (b) The aggregate scores of all eligible students who were  
1839 assigned to and enrolled in the school during the October or  
1840 February FTE count, who have been assessed on the FCAT,  
1841 including Florida Writes, and who have scored in the lowest 25th  
1842 percentile of students in the state on FCAT Reading.

1843  
1844 The scores of students who are subject to district school board  
1845 policies for expulsion for repeated or serious offenses, who are  
1846 in dropout retrieval programs serving students who have  
1847 officially been designated as dropouts, or who are in Department  
1848 of Juvenile Justice operated and contracted programs shall not  
1849 be included in an alternative school's school improvement  
1850 rating.

1851        (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each  
1852 alternative school receiving a school improvement rating, the  
1853 Department of Education shall annually identify the percentage  
1854 of students making learning gains as compared to the percentage  
1855 of the same students making learning gains in their home schools  
1856 in the year prior to being assigned to the alternative school.

1857        (5) SCHOOL REPORT CARD.--The Department of Education shall  
1858 annually develop, in collaboration with the school districts, a  
1859 school report card for alternative schools to be delivered to  
1860 parents throughout each school district. The report card shall

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1861 include the school improvement rating, identification of student  
1862 learning gains, information regarding school improvement, an  
1863 explanation of school performance as evaluated by the federal No  
1864 Child Left Behind Act of 2001, and indicators of return on  
1865 investment.

1866 (6) RULES.--The State Board of Education shall adopt rules  
1867 pursuant to ss. 120.536(1) and 120.54 to implement the  
1868 provisions of this section.

1869 Section 33. Subsection (5), paragraphs (b) and (d) of  
1870 subsection (6), and subsection (7) of section 1008.345, Florida  
1871 Statutes, are amended to read:

1872 1008.345 Implementation of state system of school  
1873 improvement and education accountability.--

1874 (5) The commissioner shall report to the Legislature and  
1875 recommend changes in state policy necessary to foster school  
1876 improvement and education accountability. Included in the report  
1877 shall be a list of the schools, including schools operating for  
1878 the purpose of providing educational services to youth in  
1879 Department of Juvenile Justice programs, for which district  
1880 school boards have developed assistance and intervention plans  
1881 and an analysis of the various strategies used by the school  
1882 boards. School reports shall be distributed pursuant to this  
1883 subsection and s. 1001.42(16)(~~f~~)(e) and according to rules  
1884 adopted by the State Board of Education.

1885 (6)

1886 (b) Upon request, the department shall provide technical  
1887 assistance and training to any school, including any school

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1888 operating for the purpose of providing educational services to  
1889 youth in Department of Juvenile Justice programs, school  
1890 advisory council, district, or district school board for  
1891 conducting needs assessments, developing and implementing school  
1892 improvement plans, developing and implementing assistance and  
1893 intervention plans, or implementing other components of school  
1894 improvement and accountability. Priority for these services  
1895 shall be given to schools designated with a ~~as~~ performance grade  
1896 of category "D" or "F" and school districts in rural and  
1897 sparsely populated areas of the state.

1898 (d) The department shall assign a community assessment  
1899 team to each school district with a school designated with a ~~as~~  
1900 ~~performance~~ grade of category "D" or "F" to review the school  
1901 performance data and determine causes for the low performance.  
1902 The team shall make recommendations to the school board, to the  
1903 department, and to the State Board of Education for implementing  
1904 an assistance and intervention plan that will address the causes  
1905 of the school's low performance. The assessment team shall  
1906 include, but not be limited to, a department representative,  
1907 parents, business representatives, educators, and community  
1908 activists, and shall represent the demographics of the community  
1909 from which they are appointed.

1910 (7)(a) Schools designated with a ~~in~~ performance grade of  
1911 ~~category~~ "A," making excellent progress, shall, if requested by  
1912 the school, be given deregulated status as specified in s.  
1913 1003.63(5), (7), (8), (9), and (10).

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1914 (b) Schools that have improved at least two grades  
1915 ~~performance grade categories~~ and that meet the criteria of the  
1916 Florida School Recognition Program pursuant to s. 1008.36 may be  
1917 given deregulated status as specified in s. 1003.63(5), (7),  
1918 (8), (9), and (10).

1919 Section 34. Subsections (3), (4), and (5) of section  
1920 1008.36, Florida Statutes, are amended to read:

1921 1008.36 Florida School Recognition Program.--

1922 (3) All public schools, including charter schools, that  
1923 receive a school grade pursuant to s. 1008.34 or a school  
1924 improvement rating pursuant to s. 1008.341 are eligible to  
1925 participate in the program. For the purpose of this section, a  
1926 school or schools serving any combination of kindergarten  
1927 through grade 3 students that do not receive a school grade  
1928 under s. 1008.34 shall be assigned the school grade of the  
1929 feeder pattern school designated by the Department of Education  
1930 and verified by the school district and shall be eligible to  
1931 participate in the program based on that feeder. A "feeder  
1932 school pattern" is defined as a pattern in which at least 60  
1933 percent of the students in the school not receiving a school  
1934 grade are assigned to the graded school.

1935 (4) All selected schools shall receive financial awards  
1936 depending on the availability of funds appropriated and the  
1937 number and size of schools selected to receive an award. Funds  
1938 must be distributed to the school's fiscal agent and placed in  
1939 the school's account and must be used for purposes listed in  
1940 subsection (5) as determined by the school advisory council

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1941 pursuant to s. 1001.452 in the annual school improvement plan  
1942 required pursuant to s. 1001.42(16)(a). If such a determination  
1943 is not included in the school improvement plan, the school shall  
1944 not be eligible to receive a financial award jointly by the  
1945 school's staff and school advisory council. If school staff and  
1946 the school advisory council cannot reach agreement by November  
1947 1, the awards must be equally distributed to all classroom  
1948 teachers currently teaching in the school.

1949 (5) School recognition awards must be used for the  
1950 following:

1951 (a) Nonrecurring bonuses to the faculty and staff who  
1952 taught at the school during the year of improved performance;

1953 (b) Nonrecurring expenditures for educational equipment,  
1954 ~~or~~ materials, or student incentives to assist in maintaining and  
1955 improving student performance; or

1956 (c) Temporary personnel for the school to assist in  
1957 maintaining and improving student performance.

1958  
1959 Notwithstanding statutory provisions to the contrary, incentive  
1960 awards are not subject to collective bargaining.

1961 Section 35. Paragraph (h) of subsection (1) of section  
1962 1008.45, Florida Statutes, is amended to read:

1963 1008.45 Community college accountability process.--

1964 (1) It is the intent of the Legislature that a management  
1965 and accountability process be implemented which provides for the  
1966 systematic, ongoing improvement and assessment of the  
1967 improvement of the quality and efficiency of the Florida

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1968 community colleges. Accordingly, the State Board of Education  
1969 and the community college boards of trustees shall develop and  
1970 implement an accountability plan to improve and evaluate the  
1971 instructional and administrative efficiency and effectiveness of  
1972 the Florida Community College System. This plan shall be  
1973 designed in consultation with staff of the Governor and the  
1974 Legislature and must address the following issues:

1975 ~~(h) Other measures as identified by the Council for~~  
1976 ~~Education Policy Research and Improvement and approved by the~~  
1977 ~~State Board of Education.~~

1978 Section 36. Section 1008.51, Florida Statutes, is  
1979 repealed.

1980 Section 37. Paragraphs (f), ((h), (l), (m), and (n) of  
1981 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
1982 section 1011.62, Florida Statutes, are amended, subsections (8)  
1983 and (9) are renumbered as subsections (9) and (10),  
1984 respectively, and amended, and a new subsection (8) is added to  
1985 said section, to read:

1986 1011.62 Funds for operation of schools.--If the annual  
1987 allocation from the Florida Education Finance Program to each  
1988 district for operation of schools is not determined in the  
1989 annual appropriations act or the substantive bill implementing  
1990 the annual appropriations act, it shall be determined as  
1991 follows:

1992 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1993 OPERATION.--The following procedure shall be followed in

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1994 determining the annual allocation to each district for  
1995 operation:

1996 (f) Supplemental academic instruction; categorical fund.--

1997 1. There is created a categorical fund to provide  
1998 supplemental academic instruction to students in kindergarten  
1999 through grade 12. This paragraph may be cited as the  
2000 "Supplemental Academic Instruction Categorical Fund."

2001 2. Categorical funds for supplemental academic instruction  
2002 shall be allocated annually to each school district in the  
2003 amount provided in the General Appropriations Act. These funds  
2004 shall be in addition to the funds appropriated on the basis of  
2005 FTE student membership in the Florida Education Finance Program  
2006 and shall be included in the total potential funds of each  
2007 district. These funds shall be used to provide supplemental  
2008 academic instruction to students enrolled in the K-12 program.  
2009 Supplemental instruction strategies may include, but are not  
2010 limited to: modified curriculum, reading instruction, after-  
2011 school instruction, tutoring, mentoring, class size reduction,  
2012 extended school year, intensive skills development in summer  
2013 school, and other methods for improving student achievement.  
2014 Supplemental instruction may be provided to a student in any  
2015 manner and at any time during or beyond the regular 180-day term  
2016 identified by the school as being the most effective and  
2017 efficient way to best help that student progress from grade to  
2018 grade and to graduate.

2019 3. Effective with the 1999-2000 fiscal year, funding on  
2020 the basis of FTE membership beyond the 180-day regular term

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2021 shall be provided in the FEFP only for students enrolled in  
2022 juvenile justice education programs or in an education program  
2023 for juveniles under s. 985.223. Funding for instruction beyond  
2024 the regular 180-day school year for all other K-12 students  
2025 shall be provided through the supplemental academic instruction  
2026 categorical fund and other state, federal, and local fund  
2027 sources with ample flexibility for schools to provide  
2028 supplemental instruction to assist students in progressing from  
2029 grade to grade and graduating.

2030 4. The Florida State University School, as a lab school,  
2031 is authorized to expend from its FEFP or Lottery Enhancement  
2032 Trust Fund allocation the cost to the student of remediation in  
2033 reading, writing, or mathematics for any graduate who requires  
2034 remediation at a postsecondary educational institution.

2035 5. Beginning in the 1999-2000 school year, dropout  
2036 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
2037 (b), and (c), and 1003.54 shall be included in group 1 programs  
2038 under subparagraph (d)3.

2039 (h) Small, isolated high schools.--Districts which levy  
2040 the maximum nonvoted discretionary millage, exclusive of millage  
2041 for capital outlay purposes levied pursuant to s. 1011.71(2),  
2042 may calculate full-time equivalent students for small, isolated  
2043 high schools by multiplying the number of unweighted full-time  
2044 equivalent students times 2.75; provided the school has attained  
2045 a state accountability ~~performance~~ grade ~~category~~ of "C" or  
2046 better, pursuant to s. 1008.34, for the previous school year.  
2047 For the purpose of this section, the term "small, isolated high

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2048 school" means any high school which is located no less than 28  
2049 miles by the shortest route from another high school; which has  
2050 been serving students primarily in basic studies provided by  
2051 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
2052 (c)4.; and which has a membership of no more than 100 students,  
2053 but no fewer than 28 students, in grades 9 through 12.

2054 (1) Calculation of additional full-time equivalent  
2055 membership based on international baccalaureate examination  
2056 scores of students.--A value of 0.24 full-time equivalent  
2057 student membership shall be calculated for each student enrolled  
2058 in an international baccalaureate course who receives a score of  
2059 4 or higher on a subject examination. A value of 0.3 full-time  
2060 equivalent student membership shall be calculated for each  
2061 student who receives an international baccalaureate diploma.  
2062 Such value shall be added to the total full-time equivalent  
2063 student membership in basic programs for grades 9 through 12 in  
2064 the subsequent fiscal year. The school district shall distribute  
2065 to each classroom teacher who provided international  
2066 baccalaureate instruction:

2067 1. A bonus in the amount of \$50 for each student taught by  
2068 the International Baccalaureate teacher in each international  
2069 baccalaureate course who receives a score of 4 or higher on the  
2070 international baccalaureate examination.

2071 2. An additional bonus of \$500 to each International  
2072 Baccalaureate teacher in a school designated with a performance  
2073 grade of category "D" or "F" who has at least one student  
2074 scoring 4 or higher on the international baccalaureate

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2075 examination, regardless of the number of classes taught or of  
2076 the number of students scoring a 4 or higher on the  
2077 international baccalaureate examination.

2078  
2079 Bonuses awarded to a teacher according to this paragraph shall  
2080 not exceed \$2,000 in any given school year and shall be in  
2081 addition to any regular wage or other bonus the teacher received  
2082 or is scheduled to receive.

2083 (m) Calculation of additional full-time equivalent  
2084 membership based on Advanced International Certificate of  
2085 Education examination scores of students.--A value of 0.24 full-  
2086 time equivalent student membership shall be calculated for each  
2087 student enrolled in a full-credit Advanced International  
2088 Certificate of Education course who receives a score of 2 or  
2089 higher on a subject examination. A value of 0.12 full-time  
2090 equivalent student membership shall be calculated for each  
2091 student enrolled in a half-credit Advanced International  
2092 Certificate of Education course who receives a score of 1 or  
2093 higher on a subject examination. A value of 0.3 full-time  
2094 equivalent student membership shall be calculated for each  
2095 student who received an Advanced International Certificate of  
2096 Education diploma. Such value shall be added to the total full-  
2097 time equivalent student membership in basic programs for grades  
2098 9 through 12 in the subsequent fiscal year. The school district  
2099 shall distribute to each classroom teacher who provided Advanced  
2100 International Certificate of Education instruction:

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2101           1. A bonus in the amount of \$50 for each student taught by  
2102 the Advanced International Certificate of Education teacher in  
2103 each full-credit Advanced International Certificate of Education  
2104 course who receives a score of 2 or higher on the Advanced  
2105 International Certificate of Education examination. A bonus in  
2106 the amount of \$25 for each student taught by the Advanced  
2107 International Certificate of Education teacher in each half-  
2108 credit Advanced International Certificate of Education course  
2109 who receives a score of 1 or higher on the Advanced  
2110 International Certificate of Education examination.

2111           2. An additional bonus of \$500 to each Advanced  
2112 International Certificate of Education teacher in a school  
2113 designated with a performance grade of category "D" or "F" who  
2114 has at least one student scoring 2 or higher on the full-credit  
2115 Advanced International Certificate of Education examination,  
2116 regardless of the number of classes taught or of the number of  
2117 students scoring a 2 or higher on the full-credit Advanced  
2118 International Certificate of Education examination.

2119           3. Additional bonuses of \$250 each to teachers of half-  
2120 credit Advanced International Certificate of Education classes  
2121 in a school designated with a performance grade of category "D"  
2122 or "F" which has at least one student scoring a 1 or higher on  
2123 the half-credit Advanced International Certificate of Education  
2124 examination in that class. The maximum additional bonus for a  
2125 teacher awarded in accordance with this subparagraph shall not  
2126 exceed \$500 in any given school year. Teachers receiving an

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2127 | award under subparagraph 2. are not eligible for a bonus under  
2128 | this subparagraph.

2129 |  
2130 | Bonuses awarded to a teacher according to this paragraph shall  
2131 | not exceed \$2,000 in any given school year and shall be in  
2132 | addition to any regular wage or other bonus the teacher received  
2133 | or is scheduled to receive.

2134 |       (n) Calculation of additional full-time equivalent  
2135 | membership based on college board advanced placement scores of  
2136 | students.--A value of 0.24 full-time equivalent student  
2137 | membership shall be calculated for each student in each advanced  
2138 | placement course who receives a score of 3 or higher on the  
2139 | College Board Advanced Placement Examination for the prior year  
2140 | and added to the total full-time equivalent student membership  
2141 | in basic programs for grades 9 through 12 in the subsequent  
2142 | fiscal year. Each district must allocate at least 80 percent of  
2143 | the funds provided to the district for advanced placement  
2144 | instruction, in accordance with this paragraph, to the high  
2145 | school that generates the funds. The school district shall  
2146 | distribute to each classroom teacher who provided advanced  
2147 | placement instruction:

2148 |       1. A bonus in the amount of \$50 for each student taught by  
2149 | the Advanced Placement teacher in each advanced placement course  
2150 | who receives a score of 3 or higher on the College Board  
2151 | Advanced Placement Examination.

2152 |       2. An additional bonus of \$500 to each Advanced Placement  
2153 | teacher in a school designated with a performance grade of

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2154 ~~category~~ "D" or "F" who has at least one student scoring 3 or  
2155 higher on the College Board Advanced Placement Examination,  
2156 regardless of the number of classes taught or of the number of  
2157 students scoring a 3 or higher on the College Board Advanced  
2158 Placement Examination.

2159  
2160 Bonuses awarded to a teacher according to this paragraph shall  
2161 not exceed \$2,000 in any given school year and shall be in  
2162 addition to any regular wage or other bonus the teacher received  
2163 or is scheduled to receive.

2164 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
2165 Legislature shall prescribe the aggregate required local effort  
2166 for all school districts collectively as an item in the General  
2167 Appropriations Act for each fiscal year. The amount that each  
2168 district shall provide annually toward the cost of the Florida  
2169 Education Finance Program for kindergarten through grade 12  
2170 programs shall be calculated as follows:

2171 (a) Estimated taxable value calculations.--

2172 1.a. Not later than 2 working days prior to July 19, the  
2173 Department of Revenue shall certify to the Commissioner of  
2174 Education its most recent estimate of the taxable value for  
2175 school purposes in each school district and the total for all  
2176 school districts in the state for the current calendar year  
2177 based on the latest available data obtained from the local  
2178 property appraisers. Not later than July 19, the Commissioner of  
2179 Education shall compute a millage rate, rounded to the next  
2180 highest one one-thousandth of a mill, which, when applied to 95

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2181 percent of the estimated state total taxable value for school  
2182 purposes, would generate the prescribed aggregate required local  
2183 effort for that year for all districts. The Commissioner of  
2184 Education shall certify to each district school board the  
2185 millage rate, computed as prescribed in this subparagraph, as  
2186 the minimum millage rate necessary to provide the district  
2187 required local effort for that year.

2188       b. The General Appropriations Act shall direct the  
2189 computation of the statewide adjusted aggregate amount for  
2190 required local effort for all school districts collectively from  
2191 ad valorem taxes to ensure that no school district's revenue  
2192 from required local effort millage will produce more than 90  
2193 percent of the district's total Florida Education Finance  
2194 Program calculation, and the adjustment of the required local  
2195 effort millage rate of each district that produces more than 90  
2196 percent of its total Florida Education Finance Program  
2197 entitlement to a level that will produce only 90 percent of its  
2198 total Florida Education Finance Program entitlement in the July  
2199 calculation.

2200       2. As revised data are received from property appraisers,  
2201 the Department of Revenue shall amend the certification of the  
2202 estimate of the taxable value for school purposes. The  
2203 Commissioner of Education, in administering the provisions of  
2204 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable  
2205 value for the appropriate year.

2206       (b) Final calculation.--

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2207 1. The Department of Revenue shall, upon receipt of the  
2208 official final assessed value of property from each of the  
2209 property appraisers, certify to the Commissioner of Education  
2210 the taxable value total for school purposes in each school  
2211 district, subject to the provisions of paragraph (d). The  
2212 commissioner shall use the official final taxable value for  
2213 school purposes for each school district in the final  
2214 calculation of the annual Florida Education Finance Program  
2215 allocations.

2216 2. For the purposes of this paragraph, the official final  
2217 taxable value for school purposes shall be the taxable value for  
2218 school purposes on which the tax bills are computed and mailed  
2219 to the taxpayers, adjusted to reflect final administrative  
2220 actions of value adjustment boards and judicial decisions  
2221 pursuant to part I of chapter 194. By September 1 of each year,  
2222 the Department of Revenue shall certify to the commissioner the  
2223 official prior year final taxable value for school purposes. For  
2224 each county that has not submitted a revised tax roll reflecting  
2225 final value adjustment board actions and final judicial  
2226 decisions, the Department of Revenue shall certify the most  
2227 recent revision of the official taxable value for school  
2228 purposes. The certified value shall be the final taxable value  
2229 for school purposes, and no further adjustments shall be made,  
2230 except those made pursuant to subparagraph (10)(9)(a)2.

2231 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

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2232 (a) The research-based reading instruction allocation is  
2233 created to provide comprehensive reading instruction to students  
2234 in kindergarten through grade 12.

2235 (b) Funds for comprehensive, research-based reading  
2236 instruction shall be allocated annually to each school district  
2237 in the amount provided in the General Appropriations Act. Each  
2238 eligible school district shall receive the same minimum amount  
2239 as specified in the General Appropriations Act, and any  
2240 remaining funds shall be distributed to eligible school  
2241 districts based on each school district's proportionate share of  
2242 K-12 base funding.

2243 (c) Funds must be used to provide a system of  
2244 comprehensive reading instruction to students enrolled in the K-  
2245 12 programs, which may include the following:

2246 1. The provision of highly qualified reading coaches.

2247 2. Professional development for school district teachers  
2248 in scientifically based reading instruction.

2249 3. The provision of summer reading camps for students who  
2250 score at Level 1 on FCAT Reading.

2251 4. The provision of supplemental instructional materials  
2252 that are grounded in scientifically based reading research, and  
2253 comprehensive training in their use, for which teachers shall  
2254 receive inservice credit. Each school district, in partnership  
2255 with the publisher of the material, shall provide the training  
2256 and the school district shall certify that the teacher has  
2257 achieved mastery in using the material correctly. Data on this  
2258 training shall be collected by the Department of Education.

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2259 5. The provision of intensive interventions for middle and  
2260 high school students reading below grade level.

2261 (d) Annually, by a date determined by the Department of  
2262 Education but before May 1, school districts shall submit a plan  
2263 for the specific use of the research-based reading instruction  
2264 allocation in the format prescribed by the department for review  
2265 and approval by the Just Read, Florida! Office created pursuant  
2266 to s. 1001.215. The plan annually submitted by school districts  
2267 shall be deemed approved unless the department rejects the plan  
2268 on or before June 1. If a school district and the Just Read,  
2269 Florida! Office cannot reach agreement on the contents of the  
2270 plan, the school district may appeal to the State Board of  
2271 Education. The plan format shall be developed with input from  
2272 school district personnel, including teachers and principals,  
2273 and shall allow courses in core, career, and alternative  
2274 programs that deliver intensive reading remediation through  
2275 integrated curricula. No later than July 1 annually, the  
2276 department shall release the school district's allocation of  
2277 appropriated funds to those districts with approved plans. A  
2278 school district that spends 100 percent of this allocation on  
2279 its approved plan shall be deemed to have been in compliance  
2280 with the plan. The department may withhold funds upon a  
2281 determination that reading instruction allocation funds are not  
2282 being used to implement the approved plan.

2283 (9)(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may  
2284 annually in the General Appropriations Act determine a  
2285 percentage increase in funds per K-12 unweighted FTE as a

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2286 minimum guarantee to each school district. The guarantee shall  
2287 be calculated from prior year base funding per unweighted FTE  
2288 student which shall include the adjusted FTE dollars as provided  
2289 in subsection ~~(10)(9)~~, quality guarantee funds, and actual  
2290 nonvoted discretionary local effort from taxes. From the base  
2291 funding per unweighted FTE, the increase shall be calculated for  
2292 the current year. The current year funds from which the  
2293 guarantee shall be determined shall include the adjusted FTE  
2294 dollars as provided in subsection ~~(10)(9)~~ and potential nonvoted  
2295 discretionary local effort from taxes. A comparison of current  
2296 year funds per unweighted FTE to prior year funds per unweighted  
2297 FTE shall be computed. For those school districts which have  
2298 less than the legislatively assigned percentage increase, funds  
2299 shall be provided to guarantee the assigned percentage increase  
2300 in funds per unweighted FTE student. Should appropriated funds  
2301 be less than the sum of this calculated amount for all  
2302 districts, the commissioner shall prorate each district's  
2303 allocation. This provision shall be implemented to the extent  
2304 specifically funded.

2305 ~~(10)(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
2306 FOR CURRENT OPERATION.--The total annual state allocation to  
2307 each district for current operation for the FEFP shall be  
2308 distributed periodically in the manner prescribed in the General  
2309 Appropriations Act.

2310 (a) The basic amount for current operation for the FEFP as  
2311 determined in subsection (1), multiplied by the district cost  
2312 differential factor as determined in subsection (2), plus the

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2313 amounts provided for categorical components within the FEFP,  
2314 plus the amount for the sparsity supplement as determined in  
2315 subsection (6), the decline in full-time equivalent students as  
2316 determined in subsection (7), the research-based reading  
2317 instruction allocation as determined in subsection (8), and the  
2318 quality assurance guarantee as determined in subsection (9)~~(8)~~,  
2319 less the required local effort as determined in subsection (4).  
2320 If the funds appropriated for the purpose of funding the total  
2321 amount for current operation as provided in this paragraph are  
2322 not sufficient to pay the state requirement in full, the  
2323 department shall prorate the available state funds to each  
2324 district in the following manner:

2325       1. Determine the percentage of proration by dividing the  
2326 sum of the total amount for current operation, as provided in  
2327 this paragraph for all districts collectively, and the total  
2328 district required local effort into the sum of the state funds  
2329 available for current operation and the total district required  
2330 local effort.

2331       2. Multiply the percentage so determined by the sum of the  
2332 total amount for current operation as provided in this paragraph  
2333 and the required local effort for each individual district.

2334       3. From the product of such multiplication, subtract the  
2335 required local effort of each district; and the remainder shall  
2336 be the amount of state funds allocated to the district for  
2337 current operation.

2338       (b) The amount thus obtained shall be the net annual  
2339 allocation to each school district. However, if it is determined

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2340 that any school district received an underallocation or  
2341 overallocation for any prior year because of an arithmetical  
2342 error, assessment roll change, full-time equivalent student  
2343 membership error, or any allocation error revealed in an audit  
2344 report, the allocation to that district shall be appropriately  
2345 adjusted. Beginning with audits for the 2001-2002 fiscal year,  
2346 if the adjustment is the result of an audit finding in which  
2347 group 2 FTE are reclassified to the basic program and the  
2348 district weighted FTE are over the weighted enrollment ceiling  
2349 for group 2 programs, the adjustment shall not result in a gain  
2350 of state funds to the district. If the Department of Education  
2351 audit adjustment recommendation is based upon controverted  
2352 findings of fact, the Commissioner of Education is authorized to  
2353 establish the amount of the adjustment based on the best  
2354 interests of the state.

2355 (c) The amount thus obtained shall represent the net  
2356 annual state allocation to each district; however,  
2357 notwithstanding any of the provisions herein, each district  
2358 shall be guaranteed a minimum level of funding in the amount and  
2359 manner prescribed in the General Appropriations Act.

2360 Section 38. Paragraph (a) of subsection (2) of section  
2361 1011.64, Florida Statutes, is amended to read:

2362 1011.64 School district minimum classroom expenditure  
2363 requirements.--

2364 (2) For the purpose of implementing the provisions of this  
2365 section, the Legislature shall prescribe minimum academic  
2366 performance standards and minimum classroom expenditure

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2367 requirements for districts not meeting such minimum academic  
2368 performance standards in the General Appropriations Act.

2369 (a) Minimum academic performance standards may be based  
2370 on, but are not limited to, district ~~performance~~ grades  
2371 determined pursuant to s. 1008.34(7)~~(8)~~.

2372 Section 39. Paragraph (b) of subsection (2) of section  
2373 1011.685, Florida Statutes, is amended to read:

2374 1011.685 Class size reduction; operating categorical  
2375 fund.--

2376 (2) Class size reduction operating categorical funds shall  
2377 be used by school districts for the following:

2378 (b) For any lawful operating expenditure, if the district  
2379 has met the constitutional maximums identified in s. 1003.03(1)  
2380 or the reduction of two students per year required by s.  
2381 1003.03(2); however, priority shall be given to increase  
2382 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
2383 and to implement the differentiated-pay provisions detailed in  
2384 s. 1012.2312 ~~salary career ladder defined in s. 1012.231.~~

2385 Section 40. Subsection (1) of section 1011.71, Florida  
2386 Statutes, is amended, and subsection (7) is added to said  
2387 section, to read:

2388 1011.71 District school tax.--

2389 (1) If the district school tax is not provided in the  
2390 General Appropriations Act or the substantive bill implementing  
2391 the General Appropriations Act, each district school board  
2392 desiring to participate in the state allocation of funds for  
2393 current operation as prescribed by s. 1011.62(10)~~(9)~~ shall levy

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2394 on the taxable value for school purposes of the district,  
2395 exclusive of millage voted under the provisions of s. 9(b) or s.  
2396 12, Art. VII of the State Constitution, a millage rate not to  
2397 exceed the amount certified by the commissioner as the minimum  
2398 millage rate necessary to provide the district required local  
2399 effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
2400 addition to the required local effort millage levy, each  
2401 district school board may levy a nonvoted current operating  
2402 discretionary millage. The Legislature shall prescribe annually  
2403 in the appropriations act the maximum amount of millage a  
2404 district may levy. The millage rate prescribed shall exceed zero  
2405 mills but shall not exceed the lesser of 1.6 mills or 25 percent  
2406 of the millage which is required pursuant to s. 1011.62(4),  
2407 exclusive of millage levied pursuant to subsection (2).

2408 (7) Notwithstanding subsections (2) and (5), a district  
2409 school board may expend funds generated under this section to  
2410 purchase the property and casualty insurance associated with the  
2411 educational plant of the district. Any operating revenues made  
2412 available through this section shall be expended only for  
2413 nonrecurring operational expenditures of the school district.

2414 Section 41. Subsection (6) is added to section 1012.21,  
2415 Florida Statutes, to read:

2416 1012.21 Department of Education duties; K-12 personnel.--

2417 (6) REPORTING.--The Department of Education shall annually  
2418 post online the collective bargaining contracts of each school  
2419 district received pursuant to s. 1012.22. The department shall

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2420 prescribe the computer format for district school boards to  
2421 provide the information.

2422 Section 42. Paragraph (c) of subsection (1) of section  
2423 1012.22, Florida Statutes, is amended, and subsection (3) is  
2424 added to said section, to read:

2425 1012.22 Public school personnel; powers and duties of the  
2426 district school board.--The district school board shall:

2427 (1) Designate positions to be filled, prescribe  
2428 qualifications for those positions, and provide for the  
2429 appointment, compensation, promotion, suspension, and dismissal  
2430 of employees as follows, subject to the requirements of this  
2431 chapter:

2432 (c) Compensation and salary schedules.--

2433 1. The district school board shall adopt a salary schedule  
2434 or salary schedules designed to furnish incentives for  
2435 improvement in training and for continued efficient service to  
2436 be used as a basis for paying all school employees and fix and  
2437 authorize the compensation of school employees on the basis  
2438 thereof.

2439 2. A district school board, in determining the salary  
2440 schedule for instructional personnel, must base a portion of  
2441 each employee's compensation on performance demonstrated under  
2442 s. 1012.34, must consider the prior teaching experience of a  
2443 person who has been designated state teacher of the year by any  
2444 state in the United States, and must consider prior professional  
2445 experience in the field of education gained in positions in

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2446 addition to district level instructional and administrative  
2447 positions.

2448 3. In developing the salary schedule, the district school  
2449 board shall seek input from parents, teachers, and  
2450 representatives of the business community.

2451 ~~4. Beginning with the 2002-2003 fiscal year, each district~~  
2452 ~~school board must adopt a performance-pay policy for school~~  
2453 ~~administrators and instructional personnel. The district's~~  
2454 ~~performance-pay policy is subject to negotiation as provided in~~  
2455 ~~chapter 447; however, the adopted salary schedule must allow~~  
2456 ~~school administrators and instructional personnel who~~  
2457 ~~demonstrate outstanding performance, as measured under s.~~  
2458 ~~1012.34, to earn a 5-percent supplement in addition to their~~  
2459 ~~individual, negotiated salary. The supplements shall be funded~~  
2460 ~~from the performance-pay reserve funds adopted in the salary~~  
2461 ~~schedule. Beginning with the 2004-2005 academic year, the~~  
2462 ~~district's 5-percent performance-pay policy must provide for the~~  
2463 ~~evaluation of classroom teachers within each level of the salary~~  
2464 ~~career ladder provided in s. 1012.231. The Commissioner of~~  
2465 ~~Education shall determine whether the district school board's~~  
2466 ~~adopted salary schedule complies with the requirement for~~  
2467 ~~performance-based pay. If the district school board fails to~~  
2468 ~~comply with this section, the commissioner shall withhold~~  
2469 ~~disbursements from the Educational Enhancement Trust Fund to the~~  
2470 ~~district until compliance is verified.~~

2471 (3) Annually provide to the Department of Education the  
2472 negotiated collective bargaining contract for the school

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2473 district. The district school board shall report in the computer  
2474 format prescribed by the department pursuant to s. 1012.21.

2475 Section 43. Section 1012.231, Florida Statutes, is  
2476 repealed.

2477 Section 44. Section 1012.2312, Florida Statutes, is  
2478 created to read:

2479 1012.2312 Differentiated pay for instructional  
2480 personnel.--

2481 (1) Beginning with the 2005-2006 fiscal year, each  
2482 district school board shall have a differentiated-pay policy for  
2483 instructional personnel and incorporate it into the school  
2484 district's salary schedule.

2485 (2) The differentiated-pay policy may be subject to  
2486 negotiation as provided in chapter 447; however, the adopted  
2487 salary schedule must allow instructional personnel to receive  
2488 differentiated pay based upon school district determined  
2489 factors, including, but not limited to, each of the following:

2490 (a) The subject areas taught, with classroom teachers who  
2491 teach in critical shortage areas receiving higher pay.

2492 (b) The economic demographics of the school, with  
2493 instructional personnel in schools that have a majority of  
2494 students who qualify for free or reduced-price lunches receiving  
2495 higher pay.

2496 (c) Additional responsibilities of instructional  
2497 personnel, including, but not limited to, lead and mentoring  
2498 responsibilities.

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2499 (d) A performance-pay policy that rewards high-performing  
2500 instructional personnel with at least a 5-percent performance-  
2501 pay incentive.

2502  
2503 The differentiated pay provided in the salary schedule for each  
2504 of the factors specified in paragraphs (a)-(d) shall provide an  
2505 incentive and not be nominal.

2506 (3) The Commissioner of Education shall determine whether  
2507 the district school board's adopted salary schedule complies  
2508 with the requirements in subsection (2). If the salary schedule  
2509 does not comply, the commissioner shall report the noncompliance  
2510 and make recommendations regarding the noncompliance to the  
2511 State Board of Education, the President of the Senate, and the  
2512 Speaker of the House of Representatives.

2513 Section 45. Section 1012.2313, Florida Statutes, is  
2514 created to read:

2515 1012.2313 Differentiated pay for school administrators.--

2516 (1) Beginning with the 2005-2006 fiscal year, each  
2517 district school board shall have a differentiated-pay policy for  
2518 school administrators and incorporate it into the school  
2519 district's salary schedule.

2520 (2) The adopted salary schedule must allow school  
2521 administrators to receive differentiated pay based upon school  
2522 district determined factors, including, but not limited to, each  
2523 of the following:

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2524 (a) The economic demographics of the school, with school  
2525 administrators in schools that have a majority of students who  
2526 qualify for free or reduced-price lunches receiving higher pay.

2527 (b) A performance-pay policy that rewards high-performing  
2528 school administrators with at least a 5-percent performance-pay  
2529 incentive.

2530  
2531 The differentiated pay provided in the salary schedule for each  
2532 of the factors specified in paragraphs (a) and (b) shall provide  
2533 an incentive and not be nominal.

2534 (3) The Commissioner of Education shall determine whether  
2535 the district school board's adopted salary schedule complies  
2536 with the requirements in subsection (2). If the salary schedule  
2537 does not comply, the commissioner shall report the noncompliance  
2538 and make recommendations regarding the noncompliance to the  
2539 State Board of Education, the President of the Senate, and the  
2540 Speaker of the House of Representatives.

2541 Section 46. Section 1012.2315, Florida Statutes, is  
2542 created to read:

2543 1012.2315 Assignment of teachers.--

2544 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
2545 finds disparity between teachers assigned to teach in a majority  
2546 of "A" schools compared to teachers assigned to teach in a  
2547 majority of "F" schools. The disparity can be found in the  
2548 average years of experience, median salary, and the performance  
2549 of the teachers on teacher certification examinations. It is the  
2550 intent of the Legislature that district school boards have

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2551 flexibility through the collective bargaining process to assign  
2552 teachers more equitably across the schools in the district.

2553 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts  
2554 may not assign a higher percentage than the school district  
2555 average of first-time teachers, temporarily certified teachers,  
2556 teachers in need of improvement, or out-of-field teachers to  
2557 schools with above the school district average of minority and  
2558 economically disadvantaged students or schools that are graded  
2559 "D" or "F." Each school district shall annually certify to the  
2560 Commissioner of Education that this requirement has been met. If  
2561 the commissioner determines that a school district is not in  
2562 compliance with this subsection, the State Board of Education  
2563 shall be notified and shall take action pursuant to s. 1008.32  
2564 in the next regularly scheduled meeting to require compliance.

2565 (3) SALARY INCENTIVES.--District school boards are  
2566 authorized to provide salary incentives to meet the requirement  
2567 of subsection (2). No district school board shall sign a  
2568 collective bargaining agreement that precludes the school  
2569 district from providing sufficient incentives to meet this  
2570 requirement.

2571 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of  
2572 chapter 447 relating to district school board collective  
2573 bargaining, collective bargaining provisions may not preclude a  
2574 school district from providing incentives to high-quality  
2575 teachers and assigning such teachers to low-performing schools.

2576 Section 47. Subsection (2) of section 1012.27, Florida  
2577 Statutes, is amended to read:

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2578           1012.27 Public school personnel; powers and duties of  
2579 district school superintendent.--The district school  
2580 superintendent is responsible for directing the work of the  
2581 personnel, subject to the requirements of this chapter, and in  
2582 addition the district school superintendent shall perform the  
2583 following:

2584           (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
2585 recommend to the district school board for adoption a salary  
2586 schedule or salary schedules. The district school superintendent  
2587 must recommend a salary schedule for instructional personnel  
2588 which bases a portion of each employee's compensation on  
2589 performance demonstrated under s. 1012.34. In developing the  
2590 recommended salary schedule, the district school superintendent  
2591 shall include input from parents, teachers, and representatives  
2592 of the business community. Beginning with the 2005-2006 ~~2004-~~  
2593 ~~2005~~ academic year, the recommended salary schedule for  
2594 classroom teachers shall be consistent with the district's  
2595 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312  
2596 ~~1012.231~~.

2597           Section 48. Paragraph (a) of subsection (3) of section  
2598 1012.34, Florida Statutes, is amended to read:

2599           1012.34 Assessment procedures and criteria.--

2600           (3) The assessment procedure for instructional personnel  
2601 and school administrators must be primarily based on the  
2602 performance of students assigned to their classrooms or schools,  
2603 as appropriate. Pursuant to this section, a school district's  
2604 performance assessment is not limited to basing unsatisfactory

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2605 performance of instructional personnel and school administrators  
2606 upon student performance, but may include other criteria  
2607 approved to assess instructional personnel and school  
2608 administrators' performance, or any combination of student  
2609 performance and other approved criteria. The procedures must  
2610 comply with, but are not limited to, the following requirements:

2611 (a) An assessment must be conducted for each employee at  
2612 least once a year. The assessment must be based upon sound  
2613 educational principles and contemporary research in effective  
2614 educational practices. The assessment must primarily use data  
2615 and indicators of improvement in student performance assessed  
2616 annually as specified in s. 1008.22 and may consider results of  
2617 peer reviews in evaluating the employee's performance. Student  
2618 performance must be measured by state assessments required under  
2619 s. 1008.22 and by local assessments for subjects and grade  
2620 levels not measured by the state assessment program. The  
2621 assessment criteria must include, but are not limited to,  
2622 indicators that relate to the following:

- 2623 1. Performance of students.  
2624 2. Ability to maintain appropriate discipline.  
2625 3. Knowledge of subject matter. The district school board  
2626 shall make special provisions for evaluating teachers who are  
2627 assigned to teach out-of-field.  
2628 4. Ability to plan and deliver instruction, ~~including~~  
2629 ~~implementation of the rigorous reading requirement pursuant to~~  
2630 ~~s. 1003.415, when applicable,~~ and the use of technology in the  
2631 classroom.

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2632 5. Ability to evaluate instructional needs.

2633 6. Ability to establish and maintain a positive  
2634 collaborative relationship with students' families to increase  
2635 student achievement.

2636 7. Other professional competencies, responsibilities, and  
2637 requirements as established by rules of the State Board of  
2638 Education and policies of the district school board.

2639 Section 49. Section 1012.986, Florida Statutes, is created  
2640 to read:

2641 1012.986 Golden Leadership Academy Program.--

2642 (1) SHORT TITLE.--This section may be cited as the W.  
2643 Cecil Golden School Leadership Act.

2644 (2) CREATION OF PROGRAM.--There is created the Golden  
2645 Leadership Academy (GLA) Program, a high-quality, competency-  
2646 based, customized, comprehensive, and coordinated statewide  
2647 professional development program that is aligned with the  
2648 leadership standards for school leaders adopted by the State  
2649 Board of Education. The program shall be administered by the  
2650 Department of Education and shall provide leadership training  
2651 opportunities for school leaders to enable them to be more  
2652 effective instructional leaders, especially in the area of  
2653 reading. The program shall provide school leaders with the  
2654 opportunity to attain a school leadership designation pursuant  
2655 to subsection (3).

2656 (3) DEFINITION.--As used in this section, the term "school  
2657 leader" means a school principal or assistant principal holding  
2658 a valid Florida certificate in educational leadership.

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2659        (4) LEADERSHIP DESIGNATIONS.--The Department of Education  
2660 shall determine annually, in collaboration with school  
2661 principals, thresholds for different leadership designations.  
2662 Criteria must emphasize student achievement and learning gains  
2663 with a special emphasis on learning gains in high schools.

2664        (5) GLA PROGRAM REQUIREMENTS.--

2665        (a) The GLA Program shall be based upon the leadership  
2666 standards adopted by the State Board of Education, the standards  
2667 of the National Staff Development Council, and the federal  
2668 requirements for high-quality professional development under the  
2669 No Child Left Behind Act of 2001.

2670        (b) The GLA Program shall provide a competency-based  
2671 approach that utilizes prediagnostic and postdiagnostic  
2672 evaluations that shall be used to create an individualized  
2673 professional development plan approved by the district school  
2674 superintendent. The plan shall be structured to support the  
2675 school leader's attainment of the leadership standards adopted  
2676 by the State Board of Education.

2677        (c) The GLA Program shall incorporate instructional  
2678 leadership training and effective business practices for  
2679 efficient school operations in school leadership training.

2680        (6) DELIVERY SYSTEM.--The Department of Education shall  
2681 deliver the GLA Program through multiple delivery systems,  
2682 including:

2683        (a) Approved school district training programs.

2684        (b) Interactive technology-based instruction.

2685        (c) State, regional, or local leadership academies.

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2686        (6) RULES.--The State Board of Education shall adopt rules  
2687 pursuant to ss. 120.536(1) and 120.54 to implement the  
2688 provisions of this section.

2689        Section 50. Section 1012.987, Florida Statutes, is  
2690 repealed.

2691        Section 51. Subsection (6) of section 1013.512, Florida  
2692 Statutes, is amended to read:

2693        1013.512 Land Acquisition and Facilities Advisory Board.--

2694        (6) Upon certification by the advisory board that  
2695 corrective action has been taken, the Legislative Budget  
2696 Commission shall release all funds remaining in reserve. Upon  
2697 such release, each Land Acquisition and Facilities Advisory  
2698 Board shall be disbanded.

2699        Section 52. Charter School Task Force.--

2700        (1) The Charter School Task Force is established to study  
2701 and make recommendations regarding charter schools in the state.

2702        (2) The task force shall, at a minimum:

2703        (a) Review current application and sponsorship procedures  
2704 used throughout the state for the approval of charter schools.

2705        (b) Examine the sponsorship and organizational structure  
2706 of charter schools in other states.

2707        (c) Investigate alternative means available in the state  
2708 to implement changes in the sponsorship of charter schools.

2709        (d) Review capital outlay funding for charter schools.

2710        (e) Determine the necessity and most effective methods for  
2711 the State Board of Education to sanction school districts and

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2712 charter schools for violation of charter school procedural  
2713 requirements.

2714 (f) Conduct meetings throughout the state to receive  
2715 public input and consider policy recommendations on issues  
2716 related to charter schools.

2717 (g) Issue a final report and recommendations by December  
2718 31, 2005, to the Governor, the President of the Senate, and the  
2719 Speaker of the House of Representatives.

2720 (3) The task force shall consist of:

2721 (a) Up to four members of the House of Representatives  
2722 appointed by the Speaker of the House of Representatives.

2723 (b) Up to four members of the Senate appointed by the  
2724 President of the Senate.

2725 (c) Five charter school stakeholders appointed by the  
2726 Governor. The members shall include a representative of a  
2727 charter school, a representative of a school district, a  
2728 representative of a statewide association, and a representative  
2729 with experience in charter school law and may include the  
2730 Commissioner of Education or his or her designee.

2731 (4) The Governor shall appoint the chair of the task force  
2732 from among the appointed members.

2733 (5) Task force members shall serve without compensation  
2734 but are entitled to reimbursement, pursuant to s. 112.061,  
2735 Florida Statutes, for per diem and travel expenses incurred in  
2736 the performance of their official duties.

2737 (6) The Department of Education shall provide staff  
2738 support for the task force.

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2739 Section 53. Subsections (3), (4), (5), (6), and (7) of  
2740 section 20.15, Florida Statutes, are renumbered as subsections  
2741 (4), (5), (6), (7), and (8), respectively, and a new subsection  
2742 (3) is added to said section to read:

2743 20.15 Department of Education.--There is created a  
2744 Department of Education.

2745 (3) DEPUTY COMMISSIONER OF CAREER EDUCATION.--The  
2746 Commissioner of Education shall appoint a Deputy Commissioner of  
2747 Career Education pursuant to s. 1014.15 to direct the Office of  
2748 Career Education established in s. 1001.20(4).

2749 Section 54. Subsection (2) of section 446.032, Florida  
2750 Statutes, is renumbered as subsection (3) and a new subsection  
2751 (2) is added to said section to read:

2752 446.032 General duties of the department for  
2753 apprenticeship training.--The department shall:

2754 (2)(a) Encourage partnerships with registered  
2755 apprenticeship programs as a means to address the community's  
2756 labor market training needs.

2757 (b) Require contracts between local educational agencies  
2758 and apprenticeship sponsors to delineate:

2759 1. The scope of services, including, but not limited to,  
2760 each party's specific obligations regarding the provision of  
2761 equipment, materials, instructors, classroom space, facilities,  
2762 labs, or money.

2763 2. Service level agreements, including appropriate  
2764 performance measures.

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2765 3. A detailed description of the direct cost for each  
2766 service to be delivered pursuant to the scope of services.

2767  
2768 This paragraph shall not be interpreted to require that any  
2769 services or materials must be provided by an apprenticeship  
2770 sponsor if not required in a contract or that payments must be  
2771 made by a local educational agency to an apprenticeship sponsor  
2772 for any services or materials other than those required to be  
2773 delivered pursuant to a contract.

2774 Section 55. Section 446.609, Florida Statutes, is  
2775 repealed.

2776 Section 56. Subsection (2) of section 464.019, Florida  
2777 Statutes, is amended, and subsection (8) is added to said  
2778 section, to read:

2779 464.019 Approval of nursing programs.--

2780 (2)(a) The board shall adopt rules, applicable to initial  
2781 review and conditional approval of a program, regarding  
2782 educational objectives, faculty qualifications, curriculum  
2783 guidelines, administrative procedures, and clinical training. An  
2784 applicant institution shall comply with such rules in order to  
2785 obtain conditional program approval. No program shall be  
2786 considered fully approved, nor shall any program be exempted  
2787 from such rules, prior to the graduation of the program's first  
2788 class.

2789 (b) The board shall adopt rules regarding educational  
2790 objectives and curriculum guidelines as are necessary to grant  
2791 full approval to a program and to ensure that fully approved

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2792 programs graduate nurses capable of competent practice under  
2793 this part. Rules regarding educational objectives shall consider  
2794 student attrition rate standards, availability of qualified  
2795 faculty, and appropriate clinical training facilities. However,  
2796 the board shall adopt no rule that prohibits a qualified  
2797 institution from placing a student in a facility for clinical  
2798 experience, regardless of whether more than one nursing program  
2799 is using the same facility for clinical experience.

2800 (c) The board shall adopt rules governing probation,  
2801 suspension, and termination status of programs that fail to  
2802 comply with the standards of this part.

2803 (d) The board shall not adopt any rule limiting the number  
2804 of students admitted to a nursing program, provided appropriate  
2805 faculty-to-student ratios are maintained, and provided the board  
2806 shall not enact any changes to faculty-to-student ratios that  
2807 have the effect of limiting capacity in approved nursing  
2808 programs unless such changes are based in scientific research  
2809 prior to 2004.

2810 (e) The board, in conjunction with the Florida Center for  
2811 Nursing, shall conduct a study of research literature to  
2812 evaluate existing rules regarding clinical instruction,  
2813 including an assessment of expanding the use of qualified  
2814 registered nurses as supervisors and simulation as effective  
2815 ways to maximize the opportunities for clinical experiences.

2816 (8) The board shall work with the Department of Health,  
2817 the Department of Education, and the Florida Center for Nursing  
2818 to assist any approved nursing program with increasing capacity

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2819 to produce more nurses to enter the workforce in the state. Such  
2820 assistance may include, but is not limited to:

2821 (a) Identifying strategies for reducing the demands of  
2822 nonclinical requirements on nursing faculty, including  
2823 consolidating core requirements across nursing majors and tracks  
2824 and identifying courses that are taught in other health and  
2825 medical fields that could be jointly offered, taught by non-  
2826 nurse faculty, or substituted for nursing courses.

2827 (b) Developing alternative models of clinical education  
2828 that reduce the burden on nursing faculty, including expanding  
2829 the use of preceptors, providing more clinical instruction as a  
2830 concentrated clinical experience later in the program, and  
2831 increasing the use of simulators.

2832 Section 57. Subsections (4) and (5) are added to section  
2833 464.0195, Florida Statutes, to read:

2834 464.0195 Florida Center for Nursing; goals; information  
2835 system.--

2836 (4) The Florida Center for Nursing, in collaboration with  
2837 the Department of Health, the Agency for Health Care  
2838 Administration, the Agency for Workforce Innovation, and the  
2839 Department of Education, and in consultation with the Office of  
2840 Program Policy Analysis and Government Accountability, shall  
2841 develop and maintain an information system to assess the  
2842 workforce needs of the nursing profession in the state. The  
2843 information system shall be designed to enable the center to  
2844 produce reliable, comparable, and comprehensive data on the  
2845 nursing workforce in the state; identify potential nursing

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2846 shortages and the areas in which they may occur; assess the  
2847 productivity of approved nursing programs, especially in  
2848 responding to identified workforce needs; and establish a  
2849 registry to link approved nursing programs that need additional  
2850 clinical sites or faculty to expand their capacity with licensed  
2851 health care providers that may be able to assist in meeting such  
2852 needs. Data to support the information system may be collected  
2853 as part of the initial and renewal licensure process for both  
2854 individuals and health care facilities and as part of the Board  
2855 of Nursing program approval process. No later than November 1,  
2856 2005, the Florida Center for Nursing shall submit to the  
2857 President of the Senate and the Speaker of the House of  
2858 Representatives an implementation plan for the information  
2859 system, including projected cost and recommended rule changes  
2860 that may be required to collect the information necessary for  
2861 the system to be successful.

2862 (5) The information system required by subsection (4)  
2863 shall be implemented to the extent funded in the General  
2864 Appropriations Act.

2865 Section 58. Paragraph (v) of subsection (2) of section  
2866 1001.02, Florida Statutes, is amended, and paragraph (i) is  
2867 added to subsection (7) of said section, to read:

2868 1001.02 General powers of State Board of Education.--

2869 (2) The State Board of Education has the following duties:

2870 (v) To develop, with input from the Board of Governors and  
2871 the independent postsecondary educational institutions in the  
2872 state and periodically review for adjustment, a coordinated 5-

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2873 | year plan for postsecondary enrollment ~~and annually submit the~~  
2874 | ~~plan to the Legislature.~~ The plan shall indicate the capacity of  
2875 | each sector, including state universities, community colleges,  
2876 | postsecondary career centers, and independent postsecondary  
2877 | educational institutions, to respond to the planned enrollment  
2878 | and estimate the costs to the state of expanding capacity if  
2879 | necessary to accommodate the enrollment plan. The plan shall be  
2880 | periodically reviewed for adjustment and submitted to the  
2881 | Governor, the President of the Senate, and the Speaker of the  
2882 | House of Representatives no later than December 1 of each year.

2883 | (7) The State Board of Education shall:

2884 | (i) Adopt by rule policies that address the baccalaureate  
2885 | degree programs at community colleges approved pursuant to s.  
2886 | 1007.33, including, but not limited to, reporting policies and  
2887 | performance accountability requirements for both upper-division  
2888 | and lower-division programs.

2889 | Section 59. Paragraph (f) is added to subsection (4) of  
2890 | section 1001.20, Florida Statutes, to read:

2891 | 1001.20 Department under direction of state board.--

2892 | (4) The Department of Education shall establish the  
2893 | following offices within the Office of the Commissioner of  
2894 | Education which shall coordinate their activities with all other  
2895 | divisions and offices:

2896 | (f) Office of Career Education.--Responsible for  
2897 | evaluating the effectiveness of public and private secondary and  
2898 | postsecondary education programs in providing rigorous career  
2899 | education; developing in partnership with the business community

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2900 and Workforce Florida, Inc., a marketing plan for secondary and  
2901 postsecondary career education, including career and  
2902 professional academies, to attract secondary and postsecondary  
2903 students into careers of critical state need; promoting seamless  
2904 articulation throughout the career education system; and  
2905 administering the SUCCEED, FLORIDA! Career Paths Program  
2906 pursuant to s. 1011.97.

2907 Section 60. Subsections (1), (2), and (8) of section  
2908 1001.64, Florida Statutes, are amended to read:

2909 1001.64 Community college boards of trustees; powers and  
2910 duties.--

2911 (1) The boards of trustees shall be responsible for cost-  
2912 effective policy decisions appropriate to the community  
2913 college's mission, the implementation and maintenance of high-  
2914 quality education programs within law and rules of the State  
2915 Board of Education, the measurement of performance, the  
2916 reporting of information, and the provision of input regarding  
2917 state policy, budgeting, and education standards. Community  
2918 colleges may grant baccalaureate degrees pursuant to s. 1007.33  
2919 and shall remain under the authority of the State Board of  
2920 Education in accordance with current statutory provisions  
2921 relating to community colleges as defined in s. 1000.21.

2922 (2) Each board of trustees is vested with the  
2923 responsibility to govern its respective community college and  
2924 with such necessary authority as is needed for the proper  
2925 operation and improvement thereof in accordance with rules of  
2926 the State Board of Education. This authority includes serving as

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2927 | the governing board for purposes of granting baccalaureate  
2928 | degrees as authorized in s. 1007.33 and approved by the State  
2929 | Board of Education.

2930 | (8) Each board of trustees has authority for policies  
2931 | related to students, enrollment of students, student records,  
2932 | student activities, financial assistance, and other student  
2933 | services.

2934 | (a) Each board of trustees shall govern admission of  
2935 | students pursuant to s. 1007.263 and rules of the State Board of  
2936 | Education. A board of trustees may establish additional  
2937 | admissions criteria, which shall be included in the district  
2938 | interinstitutional articulation agreement developed according to  
2939 | s. 1007.235, to ensure student readiness for postsecondary  
2940 | instruction. Each board of trustees may consider the past  
2941 | actions of any person applying for admission or enrollment and  
2942 | may deny admission or enrollment to an applicant because of  
2943 | misconduct if determined to be in the best interest of the  
2944 | community college.

2945 | (b) Each board of trustees shall adopt rules establishing  
2946 | student performance standards for the award of degrees and  
2947 | certificates pursuant to s. 1004.68. The board of trustees of a  
2948 | community college that is authorized to grant a baccalaureate  
2949 | degree under s. 1007.33 may continue to award degrees, diplomas,  
2950 | and certificates as authorized for the college, and in the name  
2951 | of the college, until the college receives any necessary changes  
2952 | to its accreditation.

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2953        (c) Each board of trustees shall establish tuition and  
2954 out-of-state fees for approved baccalaureate degree programs,  
2955 consistent with law and proviso language in the General  
2956 Appropriations Act.

2957        ~~(d)(e)~~ Boards of trustees are authorized to establish  
2958 intrainstitutional and interinstitutional programs to maximize  
2959 articulation pursuant to s. 1007.22.

2960        ~~(e)(d)~~ Boards of trustees shall identify their core  
2961 curricula, which shall include courses required by the State  
2962 Board of Education, pursuant to the provisions of s. 1007.25(6).

2963        ~~(f)(e)~~ Each board of trustees must adopt a written  
2964 antihazing policy, provide a program for the enforcement of such  
2965 rules, and adopt appropriate penalties for violations of such  
2966 rules pursuant to the provisions of s. 1006.63(1)-(3).

2967        ~~(g)(f)~~ Each board of trustees may establish a uniform code  
2968 of conduct and appropriate penalties for violation of its rules  
2969 by students and student organizations, including rules governing  
2970 student academic honesty. Such penalties, unless otherwise  
2971 provided by law, may include fines, the withholding of diplomas  
2972 or transcripts pending compliance with rules or payment of  
2973 fines, and the imposition of probation, suspension, or  
2974 dismissal.

2975        ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53 shall  
2976 adopt a policy in accordance with rules of the State Board of  
2977 Education that reasonably accommodates the religious observance,  
2978 practice, and belief of individual students in regard to

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2979 admissions, class attendance, and the scheduling of examinations  
2980 and work assignments.

2981 (i) Each board of trustees shall adopt a policy providing  
2982 that faculty who teach upper-division courses that are a  
2983 component part of a baccalaureate degree program must meet the  
2984 requirements of s. 1012.82.

2985 Section 61. Paragraphs (a) and (d) of subsection (2) of  
2986 section 1002.23, Florida Statutes, are amended to read:

2987 1002.23 Family and School Partnership for Student  
2988 Achievement Act.--

2989 (2) To facilitate meaningful parent and family  
2990 involvement, the Department of Education shall develop  
2991 guidelines for a parent guide to successful student achievement  
2992 which describes what parents need to know about their child's  
2993 educational progress and how they can help their child to  
2994 succeed in school. The guidelines shall include, but need not be  
2995 limited to:

2996 (a) Parental information regarding:

2997 1. Requirements for their child to be promoted to the next  
2998 grade, as provided for in s. 1008.25;

2999 2. Progress of their child toward achieving state and  
3000 district expectations for academic proficiency;

3001 3. Assessment results, including report cards and progress  
3002 reports; ~~and~~

3003 4. Qualifications of their child's teachers; and

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3004        5. Availability of the secondary and postsecondary  
3005 academic and career education online student advising and  
3006 guidance system described in s. 1006.01;

3007        (d) Opportunities for parents to learn about rigorous  
3008 academic programs that may be available for their child, such as  
3009 honors programs, dual enrollment, advanced placement,  
3010 International Baccalaureate, Florida Virtual High School  
3011 courses, career and professional academies, and accelerated  
3012 access to postsecondary education;

3013        Section 62. Section 1003.492, Florida Statutes, is amended  
3014 to read:

3015        1003.492 Industry-certified career education programs.--

3016        (1) A career education program within a comprehensive high  
3017 school program of study shall be coordinated with the  
3018 appropriate industry indicating that all components of the  
3019 program are relevant and appropriate to prepare the student for  
3020 further education or for employment in that industry.

3021        (2) The State Board of Education shall adopt rules  
3022 pursuant to ss. 120.536(1) and 120.54 for implementing an  
3023 industry certification process, which rules must establish any  
3024 necessary procedures for obtaining appropriate business partners  
3025 and requirements for business and industry involvement in  
3026 curriculum oversight and equipment procurement.

3027        ~~(3) The Department of Education shall study student~~  
3028 ~~performance in industry-certified career education programs. The~~  
3029 ~~department shall identify districts that currently operate~~  
3030 ~~industry-certified career education programs. The study shall~~

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3031 ~~examine the performance of participating students over time.~~  
3032 ~~Performance factors shall include, but not be limited to,~~  
3033 ~~graduation rates, retention rates, additional educational~~  
3034 ~~attainment, employment records, earnings, and industry~~  
3035 ~~satisfaction. The results of this study shall be submitted to~~  
3036 ~~the President of the Senate and the Speaker of the House of~~  
3037 ~~Representatives by December 31, 2004.~~

3038 ~~(4) The Department of Education shall conduct a study to~~  
3039 ~~determine if a cost factor should be applied to industry-~~  
3040 ~~certified career education programs and review the need for~~  
3041 ~~startup funding for the programs. The study shall be completed~~  
3042 ~~by December 31, 2004, and shall be submitted to the President of~~  
3043 ~~the Senate and the Speaker of the House of Representatives.~~

3044 Section 63. Section 1004.85, Florida Statutes, is  
3045 renumbered as section 1004.045, Florida Statutes, and paragraphs  
3046 (e), (f), and (g) are added to subsection (2) of said section to  
3047 read:

3048 1004.045 ~~1004.85~~ Postsecondary educator preparation  
3049 institutes.--

3050 (2) Postsecondary institutions that are accredited or  
3051 approved as described in state board rule may seek approval from  
3052 the Department of Education to create educator preparation  
3053 institutes for the purpose of providing any or all of the  
3054 following:

3055 (e) Instruction to assist associate degree holders who  
3056 have business experience in demonstrating teaching competencies

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3057 for career education courses in the specific area relating to  
3058 their business experience.

3059 (f) Professional development instruction to assist career  
3060 education teachers in delivering a career education curriculum  
3061 in a relevant context with student-centered, research-based  
3062 instructional strategies and a rigorous standards-based academic  
3063 curriculum.

3064 (g) Professional development instruction to assist  
3065 guidance counselors in using a mentor-teacher guidance model.

3066 Section 64. Section 1004.226, Florida Statutes, is created  
3067 to read:

3068 1004.226 Florida technology development; centers of  
3069 excellence.--

3070 (1) The term "center of excellence," as used in this  
3071 section, means an organization of personnel, facilities, and  
3072 equipment established at or in collaboration with one or more  
3073 universities in Florida to accomplish the purposes and  
3074 objectives set forth in this section. The purposes and  
3075 objectives of a center of excellence include:

3076 (a) Identifying and pursuing opportunities for university  
3077 scholars, research center scientists and engineers, and private  
3078 businesses to form collaborative partnerships to foster and  
3079 promote the research required to develop commercially promising,  
3080 advanced, and innovative technologies and to transfer those  
3081 technologies to commercial sectors.

3082 (b) Acquiring and leveraging public and private sector  
3083 funding to provide the totality of funds, personnel, facilities,

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3084 equipment, and other resources needed to support the research  
3085 required to develop commercially promising, advanced, and  
3086 innovative technologies and to transfer those technologies to  
3087 commercial sectors.

3088 (c) Recruiting and retaining world class scholars, high-  
3089 performing students, and leading scientists and engineers in  
3090 technology disciplines to engage in research in this state to  
3091 develop commercially promising, advanced, and innovative  
3092 technologies.

3093 (d) Enhancing and expanding technology curricula and  
3094 laboratory resources at universities in this state.

3095 (e) Increasing the number of high-performing students in  
3096 technology disciplines who graduate from universities in this  
3097 state and pursue careers in this state.

3098 (f) Stimulating and supporting the inception, growth, and  
3099 diversification of technology-based businesses and ventures in  
3100 Florida and increasing employment opportunities for the  
3101 workforce needed to support such businesses.

3102 (2) The State Board of Education shall notify the  
3103 president of each university in the state of the opportunity to  
3104 submit to the state board a written proposal for establishing a  
3105 center of excellence under this section or expanding a center of  
3106 excellence designated under former s. 1004.225. A proposal from  
3107 a university must be submitted to the state board before  
3108 November 1, 2005.

3109 (3)(a) By February 15, 2006, the State Board of Education,  
3110 in consultation with the Florida Research Consortium, shall

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3111 develop a plan for establishing or expanding one or more centers  
3112 of excellence from proposals submitted pursuant to subsection  
3113 (2) and shall authorize expenditures for implementing the plan.

3114 (b) The plan must include performance and accountability  
3115 measures that can be used to assess the progress of plan  
3116 implementation and the success of each center of excellence that  
3117 receives funding under the plan. By March 1, 2006, the State  
3118 Board of Education shall provide a copy of the plan to the  
3119 Governor, the President of the Senate, and the Speaker of the  
3120 House of Representatives.

3121 (4) Beginning July 1, 2006, the State Board of Education  
3122 shall report annually to the Governor, the President of the  
3123 Senate, and the Speaker of the House of Representatives on the  
3124 progress in implementing the plan developed under subsection (3)  
3125 and the success of each center of excellence that receives  
3126 funding under that plan.

3127 (5) This program shall be implemented to the extent funds  
3128 are provided in the General Appropriations Act.

3129 Section 65. Subsection (1), paragraph (a) of subsection  
3130 (7), and subsection (9) of section 1004.65, Florida Statutes,  
3131 are amended, and subsection (10) is added to said section, to  
3132 read:

3133 1004.65 Community colleges; definition, mission, and  
3134 responsibilities.--

3135 (1) Community colleges shall consist of all public  
3136 educational institutions identified in s. 1000.21(3). Community  
3137 colleges, including colleges that have been approved to offer

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3138 baccalaureate degree programs pursuant to s. 1007.33, shall be  
3139 operated by community college district boards of trustees under  
3140 statutory authority and rules of the State Board of Education.  
3141 Except as otherwise provided in law, all laws and rules that  
3142 relate to community colleges apply to community colleges  
3143 authorized to offer baccalaureate degree programs pursuant to s.  
3144 1007.33.

3145 (7) A separate and secondary role for community colleges  
3146 includes:

3147 (a) Providing upper level instruction and awarding  
3148 baccalaureate degrees as specifically authorized by law. A  
3149 community college that is approved to offer baccalaureate degree  
3150 programs shall maintain its primary mission pursuant to  
3151 subsection (6) and may not terminate associate in arts or  
3152 associate in science degree programs as a result of the  
3153 authorization to offer baccalaureate degree programs.

3154 (9) Community colleges are authorized to offer such  
3155 programs and courses as are necessary to fulfill their mission  
3156 and are authorized to grant associate in arts degrees, associate  
3157 in science degrees, associate in applied science degrees,  
3158 certificates, awards, and diplomas. Each community college is  
3159 also authorized to make provisions for the General Educational  
3160 Development test. Each community college may provide access to  
3161 and award baccalaureate degrees in accordance with law.

3162 (10) A community college may not offer graduate programs.

3163 Section 66. Subsection (3) is added to section 1004.68,  
3164 Florida Statutes, to read:

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3165 1004.68 Community college; degrees and certificates; tests  
3166 for certain skills.--

3167 (3) The board of trustees of a community college  
3168 authorized to grant baccalaureate degrees pursuant to s. 1007.33  
3169 may continue to award degrees, diplomas, and certificates as  
3170 authorized for the college, and in the name of the college,  
3171 until the community college receives any necessary changes to  
3172 its accreditation.

3173 Section 67. Section 1006.01, Florida Statutes, is created  
3174 to read:

3175 1006.01 Enhanced secondary and postsecondary academic and  
3176 career education online student advising and guidance  
3177 system.--The Department of Education shall enhance the student  
3178 advising system described in s. 1007.28 into a secondary and  
3179 postsecondary academic and career education online student  
3180 advising and guidance system. In addition to the requirements of  
3181 s. 1007.28, the enhanced system must:

3182 (1) Provide access to information from regional workforce  
3183 boards on local careers and careers that are critical state  
3184 needs and the secondary and postsecondary career education  
3185 necessary to enter these careers.

3186 (2) Provide continuous secondary and postsecondary career  
3187 education guidance beginning in middle school and store student  
3188 information until completion of the student's education.

3189 Section 68. Subsection (1) of section 1006.02, Florida  
3190 Statutes, is amended to read:

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3191 1006.02 Provision of information to students and parents  
3192 regarding school-to-work transition.--

3193 (1) To facilitate each student's ability to easily and  
3194 seamlessly combine academic and rigorous career education  
3195 courses throughout the educational experience, each school  
3196 district all ~~public K-12 schools~~ shall document as part of its  
3197 guidance report required pursuant to s. 1006.025 that every  
3198 middle and high school student has used the secondary and  
3199 postsecondary academic and career education online student  
3200 advising and guidance system described in s. 1006.01 as part of  
3201 the student's career exploration and planning process. The  
3202 report must include the manner in which they have prepared  
3203 students to enter the workforce, including information regarding  
3204 the provision of accurate, timely career and curricular  
3205 counseling to middle school and high school students. This  
3206 information shall include a delineation of available career  
3207 opportunities, educational requirements associated with each  
3208 career, educational institutions that prepare students to enter  
3209 each career, and student financial aid available to enable  
3210 students to pursue any postsecondary instruction required to  
3211 enter that career. This information shall also delineate school  
3212 procedures for identifying individual student interests and  
3213 aptitudes which enable students to make informed decisions about  
3214 the curriculum that best addresses their individual interests  
3215 and aptitudes while preparing them to enroll in postsecondary  
3216 education and enter the workforce. This information shall  
3217 include recommended high school coursework that prepares

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3218 students for success in college-level work. The information  
3219 shall be made known to parents and students annually through  
3220 inclusion in the school's handbook, manual, or similar documents  
3221 or other communications regularly provided to parents and  
3222 students.

3223 Section 69. Paragraph (f) of subsection (2) of section  
3224 1006.025, Florida Statutes, is amended to read:

3225 1006.025 Guidance services.--

3226 (2) The guidance report shall include, but not be limited  
3227 to, the following:

3228 (f) Actions taken to provide information to students for  
3229 the school-to-work transition and documentation that every  
3230 middle and high school student has used the secondary and  
3231 postsecondary academic and career education online student  
3232 advising and guidance system described in s. 1006.01 for the  
3233 student's career exploration and planning process pursuant to s.  
3234 1006.02.

3235 Section 70. Paragraph (c) of subsection (3) of section  
3236 1007.2615, Florida Statutes, is amended to read:

3237 1007.2615 American Sign Language; findings; foreign-  
3238 language credits authorized; teacher licensing.--

3239 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
3240 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN  
3241 FOR POSTSECONDARY EDUCATION PROVIDERS.--

3242 (c) An ASL teacher must be certified by the Department of  
3243 Education by January 1, 2009 ~~2008~~, ~~and must obtain current~~  
3244 ~~certification through the Florida American Sign Language~~

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3245 ~~Teachers' Association (FASLTA) by January 1, 2006. New FASLTA~~  
3246 ~~certification may be used by current ASL teachers as an~~  
3247 ~~alternative certification track.~~

3248 Section 71. Subsections (1), (2), (4), (5), (6), (11), and  
3249 (13) of section 1007.271, Florida Statutes, are amended to read:

3250 1007.271 Dual enrollment programs.--

3251 (1) The dual enrollment program is the enrollment of an  
3252 eligible secondary student or home education student in a  
3253 postsecondary course creditable toward high school completion  
3254 and a career certificate or an associate or baccalaureate  
3255 degree.

3256 (2) For the purpose of this section, an eligible secondary  
3257 student is a student who is enrolled in a Florida public  
3258 secondary school or in a Florida private secondary school which  
3259 is in compliance with s. 1002.42(2) and conducts a secondary  
3260 curriculum pursuant to s. 1003.43. Students enrolled in  
3261 postsecondary instruction that is not creditable toward the high  
3262 school diploma shall not be classified as dual enrollments.

3263 Students who are eligible for dual enrollment pursuant to this  
3264 section shall be permitted to enroll in dual enrollment courses  
3265 conducted during school hours, after school hours, and during  
3266 the summer term. Instructional time for such enrollment may  
3267 exceed 900 hours; however, the school district may only report  
3268 the student for a maximum of 1.0 FTE, as provided in s.

3269 1011.61(4). Dual enrollment instruction of high school students  
3270 that is eligible for high school and postsecondary credit shall  
3271 be reported by the school district in an amount equal to the

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3272 hours of instruction that would be necessary to earn the FTE  
3273 for the equivalent course if it were taught in the school  
3274 district. Any student so enrolled is exempt from the payment of  
3275 registration, tuition, and laboratory fees. Vocational-  
3276 preparatory instruction, college-preparatory instruction and  
3277 other forms of precollegiate instruction, as well as physical  
3278 education courses that focus on the physical execution of a  
3279 skill rather than the intellectual attributes of the activity,  
3280 are ineligible for inclusion in the dual enrollment program.  
3281 Recreation and leisure studies courses shall be evaluated  
3282 individually in the same manner as physical education courses  
3283 for potential inclusion in the program.

3284 (4) Career dual enrollment shall be provided as a  
3285 curricular option for secondary students to pursue in order to  
3286 earn a series of elective credits toward the high school  
3287 diploma. ~~However, career dual enrollment shall not supplant~~  
3288 ~~student acquisition of the diploma.~~ Career dual enrollment shall  
3289 be available for secondary students seeking a degree or  
3290 certificate from a complete career-preparatory program and shall  
3291 not be used to enroll students, ~~but shall not sustain student~~  
3292 ~~enrollment~~ in isolated career courses. It is the intent of the  
3293 Legislature that career dual enrollment provide ~~reflect the~~  
3294 ~~interests and aptitudes of the student.~~ The provision of a  
3295 comprehensive academic and career dual enrollment program within  
3296 the career center or community college ~~is supportive of~~  
3297 ~~legislative intent; however, such provision is not mandatory.~~

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3298 (5) Each district school board shall inform all secondary  
3299 students of dual enrollment as an educational option and  
3300 mechanism for acceleration. Students shall be informed of  
3301 eligibility criteria, the option for taking dual enrollment  
3302 courses beyond the regular school year, and the ~~24~~ minimum  
3303 academic credits required for graduation. District school boards  
3304 shall annually assess the demand for dual enrollment and other  
3305 advanced courses, and the district school board shall consider  
3306 strategies and programs to meet that demand.

3307 (6) The Commissioner of Education shall appoint faculty  
3308 committees representing public school, community college, and  
3309 university faculties to identify postsecondary courses that meet  
3310 the high school graduation requirements of s. 1003.43, and to  
3311 establish the number of postsecondary semester credit hours of  
3312 instruction and equivalent high school credits earned through  
3313 dual enrollment pursuant to this section that are necessary to  
3314 meet high school graduation requirements. Such equivalencies  
3315 shall be determined solely on comparable course content and not  
3316 on seat time traditionally allocated to such courses in high  
3317 school. The Commissioner of Education shall recommend to the  
3318 State Board of Education those postsecondary courses identified  
3319 to meet high school graduation requirements, based on mastery of  
3320 course outcomes, by their ~~statewide~~ course numbers ~~number~~, and  
3321 all high schools shall accept these postsecondary education  
3322 courses toward meeting the requirements of s. 1003.43.

3323 (11) The Department of Education shall approve any course  
3324 for inclusion in the dual enrollment program that is contained

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3325 within the statewide course numbering system. However, college-  
3326 preparatory and other forms of precollegiate instruction, and  
3327 physical education and other courses that focus on the physical  
3328 execution of a skill rather than the intellectual attributes of  
3329 the activity, may not be so approved, but must be evaluated  
3330 individually for potential inclusion in the dual enrollment  
3331 program. This subsection does not mean that an independent  
3332 postsecondary institution eligible for inclusion in a dual  
3333 enrollment or early admission program pursuant to s. 1011.62  
3334 must participate in the statewide course numbering system  
3335 developed pursuant to s. 1007.24 to participate in a dual  
3336 enrollment program.

3337 (13) ~~It is the intent of the Legislature that~~ Students who  
3338 meet the eligibility requirements of this section ~~subsection~~ and  
3339 who choose to participate in dual enrollment programs are ~~be~~  
3340 exempt from the payment of registration, tuition, and laboratory  
3341 fees.

3342 Section 72. Section 1007.33, Florida Statutes, is amended  
3343 to read:

3344 1007.33 Site-determined baccalaureate degree access.--

3345 (1) The Legislature recognizes that public and private  
3346 postsecondary educational institutions play essential roles in  
3347 improving the quality of life and economic well-being of the  
3348 state and its residents. The Legislature also recognizes that  
3349 economic development needs and the educational needs of place-  
3350 bound, nontraditional students have increased the demand for  
3351 local access to baccalaureate degree programs. In some, but not

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3352 all, geographic regions, baccalaureate degree programs are being  
3353 delivered successfully at the local community college through  
3354 agreements between the community college and 4-year  
3355 postsecondary institutions within or outside of the state. It is  
3356 therefore the intent of the Legislature to further expand access  
3357 for Florida residents to baccalaureate degree programs and to  
3358 provide baccalaureate degree programs that meet critical  
3359 workforce needs through the use of community colleges.

3360 (2) A community college may enter into a formal agreement  
3361 pursuant to the provisions of s. 1007.22 for the delivery of  
3362 specified baccalaureate degree programs.

3363 (3) A community college may develop a proposal to deliver  
3364 specified baccalaureate degree programs in its district to meet  
3365 local workforce needs or to expand access to postsecondary  
3366 education for diverse, nontraditional, or geographically bound  
3367 students. The proposal must be approved by the board of trustees  
3368 of the community college.

3369 (a) To be eligible to receive state funding to support the  
3370 proposed program at the baccalaureate level, the proposal must  
3371 be submitted to the State Board of Education for approval in  
3372 accordance with timelines and guidelines adopted by the state  
3373 board and. ~~The community college's proposal~~ must include the  
3374 following information:

3375 1.~~(a)~~ Documentation of the demand for the baccalaureate  
3376 degree program as is identified by the workforce development  
3377 board, local businesses and industry, local chambers of

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3378 commerce, and potential students who must be residents of the  
3379 state.

3380 2.(b) Documentation of the unmet need for graduates of the  
3381 proposed degree program is substantiated.

3382 3.(e) Documentation that the community college has the  
3383 facilities and academic resources to deliver the program.

3384 4. Documentation that alternative attempts were made to  
3385 meet the identified need, such as distance learning and  
3386 partnerships with other public or private postsecondary  
3387 educational institutions, or justification for not pursuing such  
3388 alternatives.

3389 5. A 5-year financial plan that details steps to ensure  
3390 that the per-credit-hour costs of the program at the end of the  
3391 5-year period will be less than the costs of similar programs at  
3392 state universities.

3393 (b) Upon receipt of a proposal submitted pursuant to  
3394 paragraph (a), the State Board of Education must make the  
3395 proposal available to other public and private postsecondary  
3396 educational institutions for 60 days for review and comment,  
3397 including the opportunity for such institutions to submit  
3398 alternative proposals to the State Board of Education for  
3399 meeting the stated need.

3400 (c) The State Board of Education may approve, deny, or  
3401 require revisions to a proposal submitted by a community college  
3402 pursuant to paragraph (a) or an alternative proposal submitted  
3403 pursuant to paragraph (b).  
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3405 A The proposal must be submitted to the Council for Education  
3406 Policy Research and Improvement for review and comment. Upon  
3407 approval of the State Board of Education for the specific degree  
3408 program or programs, the community college approved to offer  
3409 baccalaureate degrees pursuant to this subsection shall pursue  
3410 regional accreditation by the Commission on Colleges of the  
3411 Southern Association of Colleges and Schools. Any additional  
3412 baccalaureate degree program programs the community college  
3413 wishes to offer must be approved by the State Board of Education  
3414 pursuant to the process outlined in this subsection in order for  
3415 the community college to receive state funding for the program  
3416 at the baccalaureate level.

3417 (4) Any baccalaureate degree program authorized at a  
3418 community college pursuant to the provisions of this section  
3419 must be evaluated by the board of trustees of the community  
3420 college every 5 years to determine the cost-effectiveness of the  
3421 program, the effectiveness of the program in providing access to  
3422 baccalaureate degrees for Florida residents and meeting local  
3423 workforce needs, and the impact of the program on the college's  
3424 primary mission of providing associate degrees. A copy of the  
3425 evaluation must be submitted to the State Board of Education,  
3426 the Executive Office of the Governor, the President of the  
3427 Senate, and the Speaker of the House of Representatives.  
3428 Programs that have excessive per-credit-hour costs, fail to  
3429 provide meaningful access to baccalaureate degrees for Florida  
3430 residents, no longer meet workforce needs, or hinder a community

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3431 college's primary mission may lose eligibility for state funding  
3432 as a baccalaureate degree program.

3433 (5)(4) A community college may not terminate its associate  
3434 in arts or associate in science degree programs as a result of  
3435 the authorization provided pursuant to this section ~~in~~  
3436 ~~subsection (3)~~. The Legislature intends that the primary mission  
3437 of a community college, including a community college that  
3438 offers baccalaureate degree programs, continues to be the  
3439 provision of associate degrees that provide access to a  
3440 university.

3441 (6) The State Board of Education shall adopt rules to  
3442 administer this section.

3443 Section 73. Section 1009.21, Florida Statutes, is amended  
3444 to read:

3445 1009.21 Determination of resident status for tuition  
3446 purposes; exemption.--Students shall be classified as residents  
3447 or nonresidents for the purpose of assessing tuition in  
3448 community colleges and state universities and for the purpose of  
3449 assessing tuition for instruction in workforce education  
3450 programs offered by school districts.

3451 (1) As used in this section, the term:

3452 (a) ~~The term~~ "Dependent child" means any person, whether  
3453 or not living with his or her parent, who is eligible to be  
3454 claimed by his or her parent as a dependent under the federal  
3455 income tax code and who receives at least 51 percent of the true  
3456 cost-of-living expenses from his or her parent, as further

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3457 defined in rules of the department and postsecondary residential  
3458 guidelines.

3459 (b) "Initial enrollment" means the first day of class.

3460 (c)(b) The term "Institution of higher education" means  
3461 any public community college or state university.

3462 (d)(e) A "Legal resident" or "resident" means is a person  
3463 who has maintained his or her residence in this state for the  
3464 preceding year, has purchased a home which is occupied by him or  
3465 her as his or her residence, or has established a domicile in  
3466 this state pursuant to s. 222.17.

3467 (e) "Nonresident for tuition purposes" means a person who  
3468 does not qualify for the in-state tuition rate.

3469 (f)(d) The term "Parent" means the natural or adoptive  
3470 parent or legal guardian of a dependent child.

3471 (g)(e) A "Resident for tuition purposes" means is a person  
3472 who qualifies as provided in subsection (2) for the in-state  
3473 tuition rate; a "nonresident for tuition purposes" is a person  
3474 who does not qualify for the in-state tuition rate.

3475 (2)(a) To qualify as a resident for tuition purposes:

3476 1. A person or, if that person is a dependent child, his  
3477 or her parent or parents must have established legal residence  
3478 in this state and must have maintained legal residence in this  
3479 state for at least 12 consecutive months immediately prior to  
3480 his or her initial enrollment in a postsecondary education  
3481 program in this state qualification.

3482 2. Every applicant for admission to an institution of  
3483 higher education or to a workforce education program offered by

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3484 | a school district shall be required to make a statement as to  
3485 | his or her length of residence in the state and, further, shall  
3486 | establish that his or her presence or, if the applicant is a  
3487 | dependent child, the presence of his or her parent or parents in  
3488 | the state currently is, and during the requisite 12-month  
3489 | qualifying period was, for the purpose of maintaining a bona  
3490 | fide domicile, rather than for the purpose of maintaining a mere  
3491 | temporary residence or abode incident to enrollment in an  
3492 | institution of higher education or a workforce education program  
3493 | offered by a school district.

3494 |       3. Each institution of higher education or each school  
3495 | district that offers a workforce education program must  
3496 | determine whether an applicant who has been granted admission is  
3497 | a dependent child.

3498 |       4. Each institution of higher education or each school  
3499 | district that offers a workforce education program must  
3500 | affirmatively determine that an applicant who has been granted  
3501 | admission as a Florida resident meets the residency requirements  
3502 | of this section at the time of initial enrollment.

3503 |       (b) However, with respect to a dependent child living with  
3504 | an adult relative other than the child's parent, such child may  
3505 | qualify as a resident for tuition purposes if the adult relative  
3506 | is a legal resident who has maintained legal residence in this  
3507 | state for at least 12 consecutive months immediately prior to  
3508 | the child's initial enrollment in a postsecondary education  
3509 | program in this state ~~qualification~~, provided the child has  
3510 | resided continuously with such relative for the 5 years

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3511 immediately prior to the child's initial enrollment  
3512 ~~qualification~~, during which time the adult relative has  
3513 exercised day-to-day care, supervision, and control of the  
3514 child.

3515 (c) The legal residence of a dependent child whose parents  
3516 are divorced, separated, or otherwise living apart will be  
3517 deemed to be this state if either parent is a legal resident of  
3518 this state, regardless of which parent is entitled to claim, and  
3519 does in fact claim, the minor as a dependent pursuant to federal  
3520 individual income tax provisions.

3521 (d) A person who is classified as a nonresident for  
3522 tuition purposes may become eligible for reclassification as a  
3523 resident for tuition purposes if that person or, if that person  
3524 is a dependent child, his or her parent presents documentation  
3525 that supports permanent residency in this state rather than  
3526 temporary residency for the purpose of pursuing an education,  
3527 such as documentation of full-time permanent employment for the  
3528 previous 12 months or the purchase of a home in this state and  
3529 residence therein for the prior 12 months. If a person who is a  
3530 dependent child and his or her parent move to this state while  
3531 such child is a high school student and the child graduates from  
3532 a high school in this state, the child may become eligible for  
3533 reclassification as a resident for tuition purposes when the  
3534 parent qualifies for permanent residency.

3535 (3) An individual shall not be classified as a resident  
3536 for tuition purposes and, thus, shall not be eligible to receive  
3537 the in-state tuition rate until he or she has provided such

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3538 | evidence related to legal residence and its duration or, if that  
3539 | individual is a dependent child, documentation of his or her  
3540 | parent's legal residence and its duration, as well as  
3541 | documentation confirming his or her status as a dependent child,  
3542 | as may be required by law and by officials of the institution of  
3543 | higher education or officials of the school district offering  
3544 | the workforce education program from which he or she seeks the  
3545 | in-state tuition rate.

3546 |         (4) With respect to a dependent child, the legal residence  
3547 | of such individual's parent or parents is prima facie evidence  
3548 | of the individual's legal residence, which evidence may be  
3549 | reinforced or rebutted, relative to the age and general  
3550 | circumstances of the individual, by the other evidence of legal  
3551 | residence required of or presented by the individual. However,  
3552 | the legal residence of an individual whose parent or parents are  
3553 | domiciled outside this state is not prima facie evidence of the  
3554 | individual's legal residence if that individual has lived in  
3555 | this state for 5 consecutive years prior to enrolling or  
3556 | reregistering at the institution of higher education or  
3557 | enrolling or reregistering in a workforce education program  
3558 | offered by a school district at which resident status for  
3559 | tuition purposes is sought.

3560 |         (5) In making a domiciliary determination related to the  
3561 | classification of a person as a resident or nonresident for  
3562 | tuition purposes, the domicile of a married person, irrespective  
3563 | of sex, shall be determined, as in the case of an unmarried

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3564 person, by reference to all relevant evidence of domiciliary  
3565 intent. For the purposes of this section:

3566 (a) A person shall not be precluded from establishing or  
3567 maintaining legal residence in this state and subsequently  
3568 qualifying or continuing to qualify as a resident for tuition  
3569 purposes solely by reason of marriage to a person domiciled  
3570 outside this state, even when that person's spouse continues to  
3571 be domiciled outside of this state, provided such person  
3572 maintains his or her legal residence in this state.

3573 (b) A person shall not be deemed to have established or  
3574 maintained a legal residence in this state and subsequently to  
3575 have qualified or continued to qualify as a resident for tuition  
3576 purposes solely by reason of marriage to a person domiciled in  
3577 this state.

3578 (c) In determining the domicile of a married person,  
3579 irrespective of sex, the fact of the marriage and the place of  
3580 domicile of such person's spouse shall be deemed relevant  
3581 evidence to be considered in ascertaining domiciliary intent.

3582 (6) Any nonresident person, irrespective of sex, who  
3583 marries a legal resident of this state or marries a person who  
3584 later becomes a legal resident may, upon becoming a legal  
3585 resident of this state, accede to the benefit of the spouse's  
3586 immediately precedent duration as a legal resident for purposes  
3587 of satisfying the 12-month durational requirement of this  
3588 section.

3589 (7) A person shall not lose his or her resident status for  
3590 tuition purposes solely by reason of serving, or, if such person

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3591 is a dependent child, by reason of his or her parent's or  
3592 parents' serving, in the Armed Forces outside this state.

3593 (8) A person who has been properly classified as a  
3594 resident for tuition purposes but who, while enrolled in an  
3595 institution of higher education or a workforce education program  
3596 offered by a school district in this state, loses his or her  
3597 resident tuition status because the person or, if he or she is a  
3598 dependent child, the person's parent or parents establish  
3599 domicile or legal residence elsewhere shall continue to enjoy  
3600 the in-state tuition rate for a statutory grace period, which  
3601 period shall be measured from the date on which the  
3602 circumstances arose that culminated in the loss of resident  
3603 tuition status and shall continue for 12 months. However, if the  
3604 12-month grace period ends during a semester or academic term  
3605 for which such former resident is enrolled, such grace period  
3606 shall be extended to the end of that semester or academic term.

3607 (9) Any person who ceases to be enrolled in at or who  
3608 graduates from an institution of higher education or a workforce  
3609 education program offered by a school district while classified  
3610 as a resident for tuition purposes and who subsequently abandons  
3611 his or her domicile in this state shall be permitted to reenroll  
3612 in at an institution of higher education or a workforce  
3613 education program offered by a school district in this state as  
3614 a resident for tuition purposes without the necessity of meeting  
3615 the 12-month durational requirement of this section if that  
3616 person has reestablished his or her domicile in this state  
3617 within 12 months of such abandonment and continuously maintains

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3618 the reestablished domicile during the period of enrollment. The  
3619 benefit of this subsection shall not be accorded more than once  
3620 to any one person.

3621 (10) The following persons shall be classified as  
3622 residents for tuition purposes:

3623 (a) Active duty members of the Armed Services of the  
3624 United States residing or stationed in this state, their  
3625 spouses, and dependent children, and active members of the  
3626 Florida National Guard who qualify under s. 250.10(7) and (8)  
3627 for the tuition assistance program.

3628 (b) Active duty members of the Armed Services of the  
3629 United States, and their spouses and dependent children,  
3630 ~~dependents~~ attending a public community college or state  
3631 university within 50 miles of the military establishment where  
3632 they are stationed, if such military establishment is within a  
3633 county contiguous to Florida.

3634 (c) United States citizens living on the Isthmus of  
3635 Panama, who have completed 12 consecutive months of college work  
3636 at the Florida State University Panama Canal Branch, and their  
3637 spouses and dependent children.

3638 (d) Full-time instructional and administrative personnel  
3639 employed by state public schools, community colleges, and  
3640 institutions of higher education, as defined in s. 1000.04, and  
3641 their spouses and dependent children.

3642 (e) Students from Latin America and the Caribbean who  
3643 receive scholarships from the federal or state government. Any

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3644 student classified pursuant to this paragraph shall attend, on a  
3645 full-time basis, a Florida institution of higher education.

3646 (f) Southern Regional Education Board's Academic Common  
3647 Market graduate students attending Florida's state universities.

3648 (g) Full-time employees of state agencies or political  
3649 subdivisions of the state when the student fees are paid by the  
3650 state agency or political subdivision for the purpose of job-  
3651 related law enforcement or corrections training.

3652 (h) McKnight Doctoral Fellows and Finalists who are United  
3653 States citizens.

3654 (i) United States citizens living outside the United  
3655 States who are teaching at a Department of Defense Dependent  
3656 School or in an American International School and who enroll in  
3657 a graduate level education program which leads to a Florida  
3658 teaching certificate.

3659 (j) Active duty members of the Canadian military residing  
3660 or stationed in this state under the North American Aerospace  
3661 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
3662 and dependent children, attending a community college or state  
3663 university within 50 miles of the military establishment where  
3664 they are stationed.

3665 (k) Active duty members of a foreign nation's military who  
3666 are serving as liaison officers and are residing or stationed in  
3667 this state, and their spouses and dependent children, attending  
3668 a community college or state university within 50 miles of the  
3669 military establishment where the foreign liaison officer is  
3670 stationed.

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3671 (1) Full-time employees of international multilateral  
3672 organizations based in Florida that are recognized by the United  
3673 States Department of State and their spouses and dependent  
3674 children.

3675 (11) A student, other than a nonimmigrant alien within the  
3676 meaning of 8 U.S.C. s. 1101(a)(15), who meets all of the  
3677 following requirements may apply for an exemption from paying  
3678 nonresident tuition at community colleges and state  
3679 universities:

3680 (a) The student has resided in Florida with a parent, as  
3681 defined in paragraph (1)(f), for at least 3 consecutive years  
3682 immediately preceding the date the student received a high  
3683 school diploma or its equivalent and has attended a Florida high  
3684 school for at least 3 consecutive school years during such time.

3685 (b) The student has registered and enrolled in a community  
3686 college or a state university. The student may apply for a term  
3687 deferral of any out-of-state fee assessed by the institution  
3688 until eligibility for the exemption is determined.

3689 (c) The student has provided the community college or  
3690 state university an affidavit stating that the student will file  
3691 an application to become a permanent resident of the United  
3692 States at the earliest opportunity he or she is eligible to do  
3693 so.

3694 (d) The student has submitted an application for the  
3695 exemption to the community college or state university in the  
3696 manner prescribed by the Department of Education.  
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3698 The exemption authorized pursuant to this subsection shall be  
3699 limited to the top 2,000 students in academic performance in  
3700 Florida high schools who register and enroll at a community  
3701 college or state university under the exemption. The Department  
3702 of Education shall administer the exemption program and shall  
3703 develop an application form and guidelines for student  
3704 participation. The community college or state university shall  
3705 enter all application criteria submitted by the student into the  
3706 department's online database, in the manner and timeframe  
3707 prescribed by the department, for final determination by the  
3708 department of the student's eligibility to receive the  
3709 exemption.

3710 (12)~~(11)~~ The State Board of Education shall by rule  
3711 designate classifications of students as residents or  
3712 nonresidents for tuition purposes at community colleges and  
3713 state universities.

3714 Section 74. Subsections (1), (3), and (11) of section  
3715 1009.23, Florida Statutes, are amended to read:

3716 1009.23 Community college student fees.--

3717 (1) Unless otherwise provided, ~~the provisions of this~~  
3718 section applies apply only to fees charged for college credit  
3719 instruction leading to an associate in arts degree, an associate  
3720 in applied science degree, ~~or~~ an associate in science degree, or  
3721 a baccalaureate degree authorized by the State Board of  
3722 Education pursuant to s. 1007.33 and for noncollege credit  
3723 college-preparatory courses defined in s. 1004.02.

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3724 (3) The State Board of Education shall adopt by December  
3725 31 of each year a resident fee schedule for the following fall  
3726 for advanced and professional programs, associate in science  
3727 degree programs, baccalaureate degree programs authorized by the  
3728 State Board of Education pursuant to s. 1007.33, and college-  
3729 preparatory programs that produce revenues in the amount of 25  
3730 percent of the full prior year's cost of these programs. Fees  
3731 for courses in college-preparatory programs and associate in  
3732 arts and associate in science degree programs may be established  
3733 at the same level. In the absence of a provision to the contrary  
3734 in an appropriations act, the fee schedule shall take effect and  
3735 the colleges shall expend the funds on instruction. If the  
3736 Legislature provides for an alternative fee schedule in an  
3737 appropriations act, the fee schedule shall take effect the  
3738 subsequent fall semester.

3739 (11)(a) Each community college board of trustees may  
3740 establish a separate fee for capital improvements, technology  
3741 enhancements, or equipping student buildings which may not  
3742 exceed 10 percent of tuition for resident students or 10 percent  
3743 of the sum of tuition and out-of-state fees for nonresident  
3744 students. The fee for resident students shall be limited to an  
3745 increase of \$2 per credit hour over the prior year ~~\$1 per credit~~  
3746 ~~hour or credit-hour equivalent for residents and which equals or~~  
3747 ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected by  
3748 community colleges through these fees may be bonded only as  
3749 provided in this subsection for the purpose of financing or  
3750 refinancing new construction and equipment, renovation, or

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3751 remodeling of educational facilities. The fee shall be collected  
3752 as a component part of the tuition and fees, paid into a  
3753 separate account, and expended only to construct and equip,  
3754 maintain, improve, or enhance the educational facilities of the  
3755 community college. Projects funded through the use of the  
3756 capital improvement fee shall meet the survey and construction  
3757 requirements of chapter 1013. Pursuant to s. 216.0158, each  
3758 community college shall identify each project, including  
3759 maintenance projects, proposed to be funded in whole or in part  
3760 by such fee.

3761 (b) Capital improvement fee revenues may be pledged by a  
3762 board of trustees as a dedicated revenue source to the repayment  
3763 of debt, including lease-purchase agreements with an overall  
3764 term, including renewals, extensions, and refundings, of not  
3765 more than 7 years and revenue bonds, with a term not to exceed  
3766 20 annual maturities ~~years,~~ and not to exceed the useful life of  
3767 the asset being financed, only for financing or refinancing of  
3768 the new construction and equipment, renovation, or remodeling of  
3769 educational facilities. ~~Community colleges may use the services~~  
3770 ~~of the Division of Bond Finance of the State Board of~~  
3771 ~~Administration to issue any~~ Bonds authorized through the  
3772 provisions of this subsection shall be. ~~Any such bonds~~ issued by  
3773 the Division of Bond Finance upon the request of the community  
3774 college board of trustees shall be in compliance with the  
3775 provisions of s. 11(d), Art. VII of the State Constitution and  
3776 the State Bond Act. The Division of Bond Finance may pledge fees  
3777 collected by one or more community colleges to secure such

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3778 bonds. Any project included in the approved educational plant  
3779 survey pursuant to chapter 1013 is approved pursuant to s.  
3780 11(d), Art. VII of the State Constitution.

3781 (c) The state does hereby covenant with the holders of the  
3782 bonds issued under this subsection that it will not take any  
3783 action that will materially and adversely affect the rights of  
3784 such holders so long as the bonds authorized by this subsection  
3785 are outstanding.

3786 (d) Any validation of the bonds issued pursuant to the  
3787 State Bond Act shall be validated in the manner provided by  
3788 chapter 75. Only the initial series of bonds is required to be  
3789 validated. The complaint for such validation shall be filed in  
3790 the circuit court of the county where the seat of state  
3791 government is situated, the notice required to be published by  
3792 s. 75.06 shall be published only in the county where the  
3793 complaint is filed, and the complaint and order of the circuit  
3794 court shall be served only on the state attorney of the circuit  
3795 in which the action is pending.

3796 (e) A maximum of 15 percent cents per credit hour may be  
3797 allocated from the capital improvement fee for child care  
3798 centers conducted by the community college. The use of capital  
3799 improvement fees for such purpose shall be subordinate to the  
3800 payment of any bonds secured by the fees.

3801 Section 75. Subsection (3) of section 1009.24, Florida  
3802 Statutes, is amended to read:

3803 1009.24 State university student fees.--

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3804       (3)(a) The Legislature has the responsibility to establish  
3805 tuition and fees.

3806       (b) Within proviso in the General Appropriations Act and  
3807 law, each board of trustees shall set undergraduate university  
3808 tuition and fees.

3809       (c) Except as otherwise provided by law, each board of  
3810 trustees shall set university tuition and fees for graduate,  
3811 graduate professional, and nonresident students, except that  
3812 tuition and fees for graduate, graduate professional, and  
3813 nonresident students who enroll prior to fall 2005 shall be  
3814 established within proviso in the General Appropriations Act or  
3815 by law. Tuition and fees for graduate, graduate professional,  
3816 and nonresident students shall not exceed the average full-time  
3817 nonresident tuition and fees for corresponding programs at  
3818 public institutions that are members of the Association of  
3819 American Universities. The annual percentage increase in tuition  
3820 and fees established by each board of trustees pursuant to this  
3821 paragraph for students enrolled prior to fall 2005 shall not  
3822 exceed the annual percentage increase approved by the  
3823 Legislature for resident undergraduate students. At least 20  
3824 percent of the amount raised by tuition increases imposed  
3825 pursuant to this paragraph shall be allocated by each university  
3826 to need-based financial aid for students.

3827       (d) The sum of the activity and service, health, and  
3828 athletic fees a student is required to pay to register for a  
3829 course shall not exceed 40 percent of the tuition established in  
3830 law or in the General Appropriations Act. The tuition and fees

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3831 | established pursuant to paragraph (c) for graduate, graduate  
3832 | professional, and nonresident students shall not be subject to  
3833 | the 40 percent cap. No university shall be required to lower any  
3834 | fee in effect on the effective date of this act in order to  
3835 | comply with this subsection. Within the 40 percent cap,  
3836 | universities may not increase the aggregate sum of activity and  
3837 | service, health, and athletic fees more than 5 percent per year  
3838 | unless specifically authorized in law or in the General  
3839 | Appropriations Act. A university may increase its athletic fee  
3840 | to defray the costs associated with changing National Collegiate  
3841 | Athletic Association divisions. Any such increase in the  
3842 | athletic fee may exceed both the 40 percent cap and the 5  
3843 | percent cap imposed by this subsection. Any such increase must  
3844 | be approved by the athletic fee committee in the process  
3845 | outlined in subsection (11) and cannot exceed \$2 per credit  
3846 | hour. Notwithstanding the provisions of ss. 1009.534, 1009.535,  
3847 | and 1009.536, that portion of any increase in an athletic fee  
3848 | pursuant to this subsection that causes the sum of the activity  
3849 | and service, health, and athletic fees to exceed the 40 percent  
3850 | cap or the annual increase in such fees to exceed the 5 percent  
3851 | cap shall not be included in calculating the amount a student  
3852 | receives for a Florida Academic Scholars award, a Florida  
3853 | Medallion Scholars award, or a Florida Gold Seal Vocational  
3854 | Scholars award. This subsection does not prohibit a university  
3855 | from increasing or assessing optional fees related to specific  
3856 | activities if payment of such fees is not required as a part of  
3857 | registration for courses.

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3858 Section 76. Section 1009.286, Florida Statutes, is created  
3859 to read:

3860 1009.286 Additional student payment required for hours  
3861 exceeding graduation requirements.--

3862 (1) It is the intent of the Legislature to discourage  
3863 undergraduate students in postsecondary education from exceeding  
3864 the number of credit hours required to complete the students'  
3865 respective degree programs. Accordingly, a student must pay 75  
3866 percent over the in-state tuition rate for any credit hours that  
3867 the student takes in excess of 120 percent of the number of  
3868 credit hours required to complete the degree program in which he  
3869 or she is enrolled.

3870 (2) A student who is enrolled in a community college must  
3871 pay 75 percent over the in-state tuition rate for credit hours  
3872 that the student takes in excess of 120 percent of the credit  
3873 hours required to earn an associate degree, except that a  
3874 community college student who has earned the associate degree  
3875 need not pay the full cost for a maximum of 24 credit hours  
3876 taken while enrolled at a community college which apply to his  
3877 or her baccalaureate degree.

3878 (3) An undergraduate student who is enrolled in a state  
3879 university must pay 75 percent over the in-state tuition rate  
3880 for credit hours that the student takes in excess of 120 percent  
3881 of the credit hours required to complete the degree program in  
3882 which he or she is enrolled, regardless of whether those hours  
3883 were taken while enrolled at a community college, a state  
3884 university, or any private postsecondary institution if the

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3885 student received state funds while enrolled at the private  
3886 postsecondary institution.

3887 (4) An undergraduate student who is enrolled in a  
3888 baccalaureate degree program at a community college must pay 75  
3889 percent over the in-state tuition rate for credit hours that the  
3890 student takes in excess of 120 percent of the number of credit  
3891 hours required to complete the degree program in which he or she  
3892 is enrolled, regardless of whether those hours were taken while  
3893 enrolled at a community college, a state university, or any  
3894 private postsecondary institution if the student received state  
3895 funds while enrolled at the private postsecondary institution.

3896 (5) Credit hours earned under the following circumstances  
3897 are not calculated as hours required to earn a degree:

3898 (a) College credits earned through an accelerated  
3899 mechanism identified in s. 1007.27.

3900 (b) Credit hours earned through internship programs.

3901 (c) Credit hours required for certification,  
3902 recertification, or certificate degrees.

3903 (d) Credit hours in courses from which a student must  
3904 withdraw due to reasons of medical or personal hardship.

3905 (e) Credit hours taken by active-duty military personnel.

3906 (f) Credit hours required to achieve a dual major  
3907 undertaken while pursuing a degree.

3908 (g) Remedial and English as a Second Language credit  
3909 hours.

3910 (h) Credit hours earned in military science courses  
3911 (R.O.T.C.).

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3912       (6) Each postsecondary institution shall implement a  
3913 process for notifying students regarding the provisions of this  
3914 section. The notice shall be provided upon the student's initial  
3915 enrollment in the institution and again upon the student earning  
3916 the credit hours required to complete the degree program in  
3917 which he or she is enrolled. Additionally, the notice shall  
3918 recommend that the student meet with his or her academic advisor  
3919 if the student intends to earn additional credit hours at the  
3920 institution beyond those required for his or her enrolled degree  
3921 program.

3922       (7) The provisions of this section shall apply to freshmen  
3923 who enroll in a state university or community college in fall  
3924 2005 and thereafter.

3925       Section 77. Paragraph (a) of subsection (1) of section  
3926 1009.40, Florida Statutes, is amended, and subsection (5) is  
3927 added to said section, to read:

3928       1009.40 General requirements for student eligibility for  
3929 state financial aid and tuition assistance grants.--

3930       (1)(a) The general requirements for eligibility of  
3931 students for state financial aid awards and tuition assistance  
3932 grants consist of the following:

3933       1. Achievement of the academic requirements of and  
3934 acceptance at a state university or community college; a nursing  
3935 diploma school approved by the Florida Board of Nursing; a  
3936 Florida college, university, or community college which is  
3937 accredited by an accrediting agency recognized by the State  
3938 Board of Education; any Florida institution the credits of which

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3939 are acceptable for transfer to state universities; any career  
3940 center; or any private career institution accredited by an  
3941 accrediting agency recognized by the State Board of Education.

3942 2. Residency in this state for no less than 1 year  
3943 preceding the award of aid or a tuition assistance grant for a  
3944 program established pursuant to s. 1009.50, s. 1009.51, s.  
3945 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.  
3946 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
3947 1009.73, s. 1009.76, s. 1009.77, ~~or~~ s. 1009.89, s. 1009.891, or  
3948 s. 1009.895. Residency in this state must be for purposes other  
3949 than to obtain an education. Resident status for purposes of  
3950 receiving state financial aid awards or tuition assistance  
3951 grants shall be determined in the same manner as resident status  
3952 for tuition purposes pursuant to s. 1009.21 and rules of the  
3953 State Board of Education implementing s. 1009.21 and the  
3954 postsecondary guidelines of the department.

3955 3. Submission of certification attesting to the accuracy,  
3956 completeness, and correctness of information provided to  
3957 demonstrate a student's eligibility to receive state financial  
3958 aid awards or tuition assistance grants. Falsification of such  
3959 information shall result in the denial of any pending  
3960 application and revocation of any award or grant currently held  
3961 to the extent that no further payments shall be made.  
3962 Additionally, students who knowingly make false statements in  
3963 order to receive state financial aid awards or tuition  
3964 assistance grants shall be guilty of a misdemeanor of the second  
3965 degree subject to the provisions of s. 837.06 and shall be

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3966 required to return all state financial aid awards or tuition  
3967 assistance grants wrongfully obtained.

3968 (5) A student who is attending a nonpublic for-profit or  
3969 nonprofit institution is ineligible to receive more than one  
3970 state award that is a tuition assistance grant during a single  
3971 semester.

3972 Section 78. Section 1009.66, Florida Statutes, is amended  
3973 to read:

3974 1009.66 Nursing Student Loan Reimbursement ~~Forgiveness~~  
3975 Program.--

3976 (1) To encourage qualified personnel to seek employment in  
3977 areas of this state in which critical nursing shortages exist,  
3978 there is established the Nursing Student Loan Reimbursement  
3979 ~~Forgiveness~~ Program. The primary function of the program is to  
3980 increase employment and retention of registered nurses and  
3981 licensed practical nurses in nursing homes and hospitals in the  
3982 state and in state-operated medical and health care facilities,  
3983 public schools, birth centers, federally sponsored community  
3984 health centers, family practice teaching hospitals, and  
3985 specialty children's hospitals and the employment and retention  
3986 of instructional faculty in nursing programs approved by the  
3987 Board of Nursing by making repayments toward loans received by  
3988 students from federal or state programs or commercial lending  
3989 institutions for the support of postsecondary study in  
3990 accredited or approved nursing programs or for the support of  
3991 study in a preparatory course for foreign-trained nurses offered  
3992 by an approved nursing program.

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3993 (2) To be eligible, a candidate must have graduated from  
3994 an accredited or approved nursing program or have successfully  
3995 completed a preparatory course for foreign-trained nurses  
3996 offered by an approved nursing program and have received a  
3997 Florida license as a licensed practical nurse or a registered  
3998 nurse or a Florida certificate as an advanced registered nurse  
3999 practitioner.

4000 (3) Only loans to pay the costs of tuition, books, and  
4001 living expenses shall be covered, at an amount not to exceed  
4002 \$4,000 for each year of education toward the degree obtained.

4003 (4) From the funds available, the Department of Education  
4004 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
4005 for up to 4 years on behalf of eligible candidates pursuant to  
4006 subsection (2) selected graduates of an accredited or approved  
4007 nursing program. All repayments shall be contingent upon  
4008 continued proof of employment in the designated facilities in  
4009 this state and shall be made ~~directly~~ to the holder of the loan  
4010 or the lending institution for loans held by a lending  
4011 institution. The state shall bear no responsibility for the  
4012 collection of any interest charges or other remaining balance.  
4013 In the event that the designated facilities are changed, a nurse  
4014 shall continue to be eligible for loan reimbursement forgiveness  
4015 as long as he or she continues to work in the facility for which  
4016 the original loan repayment was made and otherwise meets all  
4017 conditions of eligibility.

4018 (5) There is created the Nursing Student Loan  
4019 Reimbursement Forgiveness Trust Fund to be administered by the

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4020 Department of Education ~~Health~~ pursuant to this section and s.  
4021 1009.67 and department rules. The Chief Financial Officer shall  
4022 authorize expenditures from the trust fund upon receipt of  
4023 vouchers approved by the Department of Education ~~Health~~. All  
4024 moneys collected from the private health care industry and other  
4025 private sources for the purposes of this section shall be  
4026 deposited into the Nursing Student Loan Reimbursement  
4027 ~~Forgiveness~~ Trust Fund. Any balance in the trust fund at the end  
4028 of any fiscal year shall remain therein and shall be available  
4029 for carrying out the purposes of this section and s. 1009.67.

4030 (6) In addition to licensing fees imposed under part I of  
4031 chapter 464, there is hereby levied and imposed an additional  
4032 fee of \$5, which fee shall be paid upon licensure or renewal of  
4033 nursing licensure. Revenues collected from the fee imposed in  
4034 this subsection shall be deposited in the Nursing Student Loan  
4035 Reimbursement ~~Forgiveness~~ Trust Fund of the Department of  
4036 Education ~~Health~~ and will be used solely for the purpose of  
4037 carrying out the provisions of this section and s. 1009.67. Up  
4038 to 50 percent of the revenues appropriated to implement this  
4039 subsection may be used for the nursing scholarship loan program  
4040 established pursuant to s. 1009.67.

4041 (7) Funds contained in the Nursing Student Loan  
4042 Reimbursement ~~Forgiveness~~ Trust Fund which are to be used for  
4043 loan reimbursement ~~forgiveness~~ for those nurses employed by  
4044 hospitals, birth centers, and nursing homes and for those nurses  
4045 employed as instructional faculty in an approved nursing program  
4046 must be matched on a dollar-for-dollar basis by contributions or

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4047 tuition reductions from the employing institutions, except that  
4048 this provision shall not apply to state-operated medical and  
4049 health care facilities, community colleges, state universities,  
4050 public schools, county health departments, federally sponsored  
4051 community health centers, teaching hospitals as defined in s.  
4052 408.07, family practice teaching hospitals as defined in s.  
4053 395.805, or specialty hospitals for children as used in s.  
4054 409.9119. An estimate of the annual trust fund dollars shall be  
4055 made at the beginning of the fiscal year based on historic  
4056 expenditures from the trust fund. Applicant requests shall be  
4057 reviewed on a quarterly basis, and applicant awards shall be  
4058 based on the following priority of employer until all such  
4059 estimated trust funds are awarded: nursing programs approved by  
4060 the Board of Nursing if the employer and the award recipient  
4061 agree that the award recipient will spend a minimum of 75  
4062 percent of his or her time providing instruction, developing  
4063 curriculum, or advising or mentoring students for the duration  
4064 of the award; state-operated medical and health care facilities;  
4065 public schools; county health departments; federally sponsored  
4066 community health centers; teaching hospitals as defined in s.  
4067 408.07; family practice teaching hospitals as defined in s.  
4068 395.805; specialty hospitals for children as used in s.  
4069 409.9119; and other hospitals, birth centers, and nursing homes.  
4070 ~~(8) The Department of Health may solicit technical~~  
4071 ~~assistance relating to the conduct of this program from the~~  
4072 ~~Department of Education.~~

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4073        ~~(8)(9)~~ The Department of Education Health is authorized to  
4074 recover from the Nursing Student Loan Reimbursement Forgiveness  
4075 Trust Fund its costs for administering the Nursing Student Loan  
4076 Reimbursement Forgiveness Program.

4077        ~~(9)(10)~~ The State Board of Education ~~Department of Health~~  
4078 may adopt rules necessary to administer this program.

4079        ~~(10)(11)~~ This section shall be implemented only as  
4080 specifically funded.

4081        ~~(11)(12)~~ Students receiving a nursing scholarship loan  
4082 pursuant to s. 1009.67 are not eligible to participate in the  
4083 Nursing Student Loan Reimbursement Forgiveness Program.

4084        Section 79. Section 1009.67, Florida Statutes, is amended  
4085 to read:

4086        1009.67 Nursing Scholarship Loan Program.--

4087        (1) There is established within the Department of  
4088 Education Health a scholarship loan program for the purpose of  
4089 attracting capable and promising students to the nursing  
4090 profession.

4091        (2) A scholarship loan applicant shall be enrolled in an  
4092 approved nursing program leading to the award of an associate  
4093 degree, a baccalaureate degree, or a graduate degree in nursing  
4094 or enrolled in a preparatory course for foreign-trained nurses  
4095 offered by an approved nursing program.

4096        (3) A scholarship loan may be awarded for no more than 2  
4097 years, in an amount not to exceed \$8,000 per year. However,  
4098 registered nurses pursuing a graduate degree for a faculty  
4099 position or to practice as an advanced registered nurse

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4100 practitioner may receive up to \$12,000 per year. These amounts  
4101 shall be adjusted by the amount of increase or decrease in the  
4102 consumer price index for urban consumers published by the United  
4103 States Department of Commerce.

4104 (4) Credit for repayment of a scholarship loan shall be as  
4105 follows:

4106 (a) For each full year of scholarship loan assistance, the  
4107 recipient agrees to work for 12 months in a faculty position in  
4108 a college of nursing or community college nursing program in  
4109 this state and spend a minimum of 75 percent of his or her time  
4110 providing instruction, developing curriculum, or advising or  
4111 mentoring students or agrees to work for 12 months at a health  
4112 care facility in a medically underserved area as approved by the  
4113 Department of Health. Scholarship loan recipients who attend  
4114 school on a part-time basis shall have their employment service  
4115 obligation prorated in proportion to the amount of scholarship  
4116 loan payments received.

4117 (b) Eligible health care facilities include nursing homes  
4118 and hospitals in this state, state-operated medical or health  
4119 care facilities, public schools, county health departments,  
4120 federally sponsored community health centers, colleges of  
4121 nursing in universities in this state, and community college  
4122 nursing programs in this state, family practice teaching  
4123 hospitals as defined in s. 395.805, or specialty children's  
4124 hospitals as described in s. 409.9119. The recipient shall be  
4125 encouraged to complete the service obligation at a single  
4126 employment site. If continuous employment at the same site is

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4127 not feasible, the recipient may apply to the department for a  
4128 transfer to another approved health care facility.

4129 (c) Any recipient who does not complete an appropriate  
4130 program of studies, who does not become licensed, who does not  
4131 accept employment as a nurse at an approved health care  
4132 facility, or who does not complete 12 months of approved  
4133 employment for each year of scholarship loan assistance received  
4134 shall repay to the Department of Education Health, on a schedule  
4135 to be determined by the department, the entire amount of the  
4136 scholarship loan plus ~~18 percent~~ interest ~~accruing from the date~~  
4137 ~~of the scholarship payment~~. Repayment schedules and applicable  
4138 interest rates shall be determined by rules of the State Board  
4139 of Education. Moneys repaid shall be deposited into the Nursing  
4140 Student Loan Reimbursement Forgiveness Trust Fund established in  
4141 s. 1009.66. However, the department may provide additional time  
4142 for repayment if the department finds that circumstances beyond  
4143 the control of the recipient caused or contributed to the  
4144 default.

4145 (5) Scholarship loan payments shall be transmitted to the  
4146 recipient upon receipt of documentation that the recipient is  
4147 enrolled in an approved nursing program. The Department of  
4148 Education Health shall develop a formula to prorate payments to  
4149 scholarship loan recipients so as not to exceed the maximum  
4150 amount per academic year.

4151 (6) The State Board of Education ~~Department of Health~~  
4152 shall adopt rules, including rules to address extraordinary  
4153 circumstances that may cause a recipient to default on either

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4154 the school enrollment or employment contractual agreement, to  
4155 implement this section.

4156 (7) The Department of Education ~~Health~~ may recover from  
4157 the Nursing Student Loan Reimbursement ~~Forgiveness~~ Trust Fund  
4158 its costs for administering the nursing scholarship loan  
4159 program.

4160 Section 80. Section 1009.895, Florida Statutes, is created  
4161 to read:

4162 1009.895 Florida Independent Collegiate Assistance Grant  
4163 Program.--

4164 (1) The Legislature finds and declares that independent  
4165 institutions licensed by the Commission for Independent  
4166 Education are an integral part of the higher education system in  
4167 this state through which Florida residents seek higher  
4168 education. The Legislature finds that a significant number of  
4169 state residents choose to pursue higher education at these  
4170 institutions and that these institutions and the students they  
4171 educate and train make a substantial contribution to the  
4172 development of the state's economy. The Legislature intends to  
4173 create a tuition assistance grant program for state residents  
4174 that is not based upon a student's financial need or other  
4175 criteria upon which financial aid programs are based.

4176 (2) The Florida Independent Collegiate Assistance Grant  
4177 Program, to be known as the FICA Grant Program, is created as a  
4178 student tuition assistance grant program.

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4179 (a) The program shall be administered by the Department of  
4180 Education according to rules adopted by the State Board of  
4181 Education.

4182 (b) The department may issue a tuition assistance grant  
4183 under the program to any full-time student who:

4184 1. Meets student residency requirements as provided in s.  
4185 1009.40(1)(a)2.

4186 2. Is enrolled as a full-time undergraduate student in a  
4187 campus-based program at an eligible independent institution of  
4188 higher education as defined in this section and is seeking an  
4189 associate degree or higher.

4190 3. Is making satisfactory academic progress as defined by  
4191 the independent institution of higher education in which the  
4192 student is enrolled.

4193 4. Enrolls in an undergraduate degree program that leads  
4194 to employment in an occupation that is listed on a regional  
4195 targeted occupations list of a Florida workforce board at the  
4196 time of enrollment.

4197 (3) An "eligible independent institution of higher  
4198 education" is:

4199 (a) An institution that is licensed by the Commission for  
4200 Independent Education under chapter 1005, is accredited by an  
4201 accrediting agency that is recognized by the United States  
4202 Secretary of Education as a reliable authority as to the quality  
4203 of education or training offered at its accredited institutions,  
4204 and has established performance requirements for student  
4205 achievement that include minimum objective quantitative

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4206 standards, including completion rates and placement rates as  
4207 determined by the department or the commission.

4208 (b) An institution whose students are not eligible to  
4209 participate in the Access to Better Learning and Education Grant  
4210 Program or the William L. Boyd, IV, Florida Resident Access  
4211 Grant Program.

4212 (4) This section shall be implemented to the extent funded  
4213 and authorized by law.

4214 Section 81. Paragraph (z) is added to subsection (4) of  
4215 section 1009.971, Florida Statutes, to read:

4216 1009.971 Florida Prepaid College Board.--

4217 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.--The  
4218 board shall have the powers and duties necessary or proper to  
4219 carry out the provisions of ss. 1009.97-1009.984, including, but  
4220 not limited to, the power and duty to:

4221 (z) Provide for the transfer of ownership of an advance  
4222 payment contract or a participation agreement by operation of  
4223 law upon inheritance, devise, or bequest. An heir of a deceased  
4224 purchaser or a deceased benefactor may make an application to  
4225 the board under oath for a change in the purchaser or benefactor  
4226 and, upon receipt of a completed application, the board may  
4227 change the ownership of the advance payment contract or  
4228 participation agreement, as appropriate, to the heir. The board  
4229 shall specify by rule the information that must be included in  
4230 the application. When the application is made by an heir of a  
4231 deceased purchaser or deceased benefactor who died intestate, it  
4232 shall not be necessary to accompany the application with an

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4233 order of a probate court if the heir files with the board an  
4234 affidavit stating that the estate is not indebted and the  
4235 surviving spouse, if any, and the heirs, if any, have amicably  
4236 agreed among themselves upon a division of the estate. If the  
4237 deceased purchaser or deceased benefactor died testate, the  
4238 application shall be accompanied by a certified copy of the  
4239 will, if probated, and an affidavit stating that the estate is  
4240 solvent with sufficient assets to pay all just claims or, if the  
4241 will is not being probated, by a sworn copy of the will and an  
4242 affidavit stating that the estate is not indebted. Upon the  
4243 approval by the board of an application from an heir, the heir  
4244 shall become the purchaser of the advance payment contract or  
4245 the benefactor of the participation agreement. This subsection  
4246 does not apply when a purchaser or benefactor has designated in  
4247 writing to the board the person who will succeed to the  
4248 ownership of the advance payment contract or participation  
4249 agreement in the event of the purchaser's or benefactor's death,  
4250 and that person survives the purchaser or benefactor.

4251 Section 82. Subsection (5) of section 1009.972, Florida  
4252 Statutes, is amended to read:

4253 1009.972 Florida Prepaid College Trust Fund.--

4254 (5) Notwithstanding the provisions of chapter 717, funds  
4255 associated with terminated advance payment contracts pursuant to  
4256 s. 1009.98(4)(k) and canceled contracts for which no refunds  
4257 have been claimed shall be retained by the board. The board  
4258 shall establish procedures for notifying purchasers who  
4259 subsequently cancel their advance payment contracts of any

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4260 unclaimed refund and shall establish a time period after which  
4261 no refund may be claimed by a purchaser who canceled a contract.  
4262 The board may transfer funds retained from such terminated  
4263 advance payment contracts and canceled contracts to the direct-  
4264 support organization established pursuant to s. 1009.983 for the Florida Prepaid  
4265 Tuition Scholarship Program to provide matching funds for  
4266 prepaid tuition scholarships for economically disadvantaged  
4267 youth who remain drug free and crime free and for children of members of  
4268 the armed forces and Coast Guard of the United States who die while participating in the combat  
4269 theater of operations for Operation Iraqi Freedom or Operation Enduring Freedom on or after the  
4270 date on which this act becomes a law and were Florida residents at the time of their death or  
4271 have listed Florida as their domicile at the time of their death.

4272 Section 83. Subsection (3) and paragraph (k) of subsection  
4273 (4) of section 1009.98, Florida Statutes, are amended to read:

4274 1009.98 Florida Prepaid College Program.--

4275 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
4276 COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified  
4277 beneficiary may apply the benefits of an advance payment  
4278 contract toward:

4279 (a) An independent college or university that is located  
4280 and chartered in Florida, ~~that is not for profit~~, that is  
4281 accredited by the Commission on Colleges of the Southern  
4282 Association of Colleges and Schools or the Accrediting Council  
4283 for Independent Colleges and Schools, and that confers degrees  
4284 as defined in s. 1005.02.

4285 (b) An out-of-state college or university that ~~is not for~~  
4286 ~~profit and~~ is accredited by a regional accrediting association,  
4287 and that confers degrees.

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4288 (c) An applied technology diploma program or career  
4289 certificate program conducted by a community college listed in  
4290 s. 1004.02(2) or career center operated by a district school  
4291 board.

4292  
4293 The board shall transfer or cause to be transferred to the  
4294 institution designated by the qualified beneficiary an amount  
4295 not to exceed the redemption value of the advance payment  
4296 contract at a state postsecondary institution. If the cost of  
4297 registration or housing fees at such institution is less than  
4298 the corresponding fees at a state postsecondary institution, the  
4299 amount transferred may not exceed the actual cost of  
4300 registration and housing fees. A transfer authorized under this  
4301 subsection may not exceed the number of semester credit hours or  
4302 semesters of dormitory residence contracted on behalf of a  
4303 qualified beneficiary. The board may refuse to transfer the  
4304 benefits of an advance payment contract to an otherwise eligible  
4305 institution if the institution or its representatives distribute  
4306 materials, regardless of form, that describe the use or transfer  
4307 of the benefits of an advance payment contract and that have not  
4308 been approved by the board. Notwithstanding any other provision  
4309 in this section, an institution must be an "eligible educational  
4310 institution" under s. 529 of the Internal Revenue Code to be  
4311 eligible for the transfer of advance payment contract benefits.

4312 (4) ADVANCE PAYMENT CONTRACTS.--The board shall develop  
4313 advance payment contracts for registration and may develop  
4314 advance payment contracts for dormitory residence as provided in

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4315 this section. Advance payment contracts shall be exempt from  
4316 chapter 517 and the Florida Insurance Code. Such contracts shall  
4317 include, but not be limited to, the following:

4318 (k) The period of time after which advance payment  
4319 contracts that have not been terminated or the benefits used  
4320 shall be considered terminated. Time expended by a qualified  
4321 beneficiary as an active duty member of any of the armed  
4322 services of the United States shall be added to the period of  
4323 time specified by the board. No purchaser or qualified  
4324 beneficiary whose advance payment contract is terminated  
4325 pursuant to this paragraph shall be entitled to a refund.  
4326 Notwithstanding chapter 717, the board shall retain any moneys  
4327 paid by the purchaser for an advance payment contract that has  
4328 been terminated in accordance with this paragraph. Such moneys  
4329 may be transferred to the direct-support organization established pursuant to s.  
4330 1009.983 for the Florida Prepaid Tuition Scholarship Program to  
4331 provide matching funds for prepaid tuition scholarships for  
4332 economically disadvantaged youths who remain drug free and crime  
4333 free and for children of members of the armed forces and Coast Guard of the United States  
4334 who die while participating in the combat theater of operations for Operation Iraqi Freedom or  
4335 Operation Enduring Freedom on or after the date on which this act becomes a law and were  
4336 Florida residents at the time of their death or have listed Florida as their domicile at the time of  
4337 their death.

4338 Section 84. Paragraph (b) of subsection (2) of section  
4339 1009.981, Florida Statutes, is amended to read:

4340 1009.981 Florida College Savings Program.--

4341 (2) PARTICIPATION AGREEMENTS.--

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4342 (b) The board shall develop a participation agreement  
4343 which shall be the agreement between the board and each  
4344 benefactor, which may include, but is not limited to:

4345 1. The name, date of birth, and social security number of  
4346 the designated beneficiary.

4347 2. The amount of the contribution or contributions and  
4348 number of contributions required from a benefactor on behalf of  
4349 a designated beneficiary.

4350 3. The terms and conditions under which benefactors shall  
4351 remit contributions, including, but not limited to, the date or  
4352 dates upon which each contribution is due. Deposits to the  
4353 savings program by benefactors may only be in cash. Benefactors  
4354 may contribute in a lump sum, periodically, in installments, or  
4355 through electronic funds transfer or employer payroll  
4356 deductions.

4357 4. Provisions for late contribution charges and for  
4358 default.

4359 5. Provisions for penalty fees for withdrawals from the  
4360 program.

4361 6. The name of the person who may terminate participation  
4362 in the program. The participation agreement must specify whether  
4363 the account may be terminated by the benefactor, the designated  
4364 beneficiary, a specific designated person, or any combination of  
4365 these persons.

4366 7. The terms and conditions under which an account may be  
4367 terminated, modified, or converted, the name of the person  
4368 entitled to any refund due as a result of termination of the

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4369 account pursuant to such terms and conditions, and the amount of  
4370 refund, if any, due to the person so named.

4371 8. Penalties for distributions not used or made in  
4372 accordance with s. 529 of the Internal Revenue Code.

4373 9. Any charges or fees in connection with the  
4374 administration of the savings fund.

4375 10. The period of time after which each participation  
4376 agreement shall be considered to be terminated. Time expended by  
4377 a designated beneficiary as an active duty member of any of the  
4378 armed services of the United States shall be added to the period  
4379 specified pursuant to this subparagraph. Should a participation  
4380 agreement be terminated, the balance of the account, after  
4381 notice to the benefactor, shall be declared unclaimed and  
4382 abandoned property. The board shall retain any moneys paid by  
4383 the benefactor for a participation agreement that has been  
4384 terminated in accordance with this subparagraph. Such moneys may  
4385 be transferred to the direct-support organization established pursuant to s. 1009.983  
4386 for the Florida Prepaid Tuition Scholarship Program to provide  
4387 matching funds for prepaid tuition scholarships for economically  
4388 disadvantaged youths who remain drug free and crime free and for  
4389 children of members of the armed forces and Coast Guard of the United States who die while  
4390 participating in the combat theater of operations for Operation Iraqi Freedom or Operation  
4391 Enduring Freedom on or after the date on which this act becomes a law and were Florida  
4392 residents at the time of their death or have listed Florida as their domicile at the time of their  
4393 death.

4394 11. Other terms and conditions deemed by the board to be  
4395 necessary or proper.

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4396 Section 85. Paragraph (i) of subsection (1) of section  
4397 1011.62, Florida Statutes, is amended to read:

4398 1011.62 Funds for operation of schools.--If the annual  
4399 allocation from the Florida Education Finance Program to each  
4400 district for operation of schools is not determined in the  
4401 annual appropriations act or the substantive bill implementing  
4402 the annual appropriations act, it shall be determined as  
4403 follows:

4404 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
4405 OPERATION.--The following procedure shall be followed in  
4406 determining the annual allocation to each district for  
4407 operation:

4408 (i) Calculation of full-time equivalent membership with  
4409 respect to dual enrollment instruction ~~from community colleges~~  
4410 ~~or state universities~~.--Students enrolled in community college  
4411 or university dual enrollment instruction pursuant to s.  
4412 1007.271 may be included in calculations of full-time equivalent  
4413 student memberships for basic programs for grades 9 through 12  
4414 by a district school board. Dual enrollment instruction of high  
4415 school students that is eligible for high school and  
4416 postsecondary credit shall be reported by the school district in  
4417 an amount equal to the hours of instruction that would be  
4418 necessary to earn the FTE for the equivalent course if it were  
4419 taught in the school district. Such students may also be  
4420 calculated as the proportional shares of full-time equivalent  
4421 enrollments they generate for a ~~the~~ community college or  
4422 university conducting the dual enrollment instruction. Early

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4423 admission students shall be considered dual enrollments for  
4424 funding purposes. Students may be enrolled in dual enrollment  
4425 instruction provided by an eligible independent college or  
4426 university and may be included in calculations of full-time  
4427 equivalent student memberships for basic programs for grades 9  
4428 through 12 by a district school board. However, those provisions  
4429 of law which exempt dual enrolled and early admission students  
4430 from payment of instructional materials and tuition and fees,  
4431 including laboratory fees, shall not apply to students who  
4432 select the option of enrolling in an eligible independent  
4433 institution. An independent college or university which is  
4434 located and chartered in Florida, is not for profit, is  
4435 accredited by the Commission on Colleges of the Southern  
4436 Association of Colleges and Schools or the Accrediting Council  
4437 for Independent Colleges and Schools, and which confers degrees  
4438 as defined in s. 1005.02 shall be eligible for inclusion in the  
4439 dual enrollment or early admission program. Students enrolled in  
4440 dual enrollment instruction shall be exempt from the payment of  
4441 tuition and fees, including laboratory fees. No student enrolled  
4442 in college credit mathematics or English dual enrollment  
4443 instruction shall be funded as a dual enrollment unless the  
4444 student has successfully completed the relevant section of the  
4445 entry-level examination required pursuant to s. 1008.30.

4446 Section 86. Section 1011.83, Florida Statutes, is amended  
4447 to read:

4448 1011.83 Financial support of community colleges.--

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4449       (1) Each community college that has been approved by the  
4450 Department of Education and meets the requirements of law and  
4451 rules of the State Board of Education shall participate in the  
4452 Community College Program Fund. However, funds to support  
4453 workforce education programs conducted by community colleges  
4454 shall be provided pursuant to s. 1011.80.

4455       (2) Funding for baccalaureate degree programs approved  
4456 pursuant to s. 1007.33 shall be specified in the General  
4457 Appropriations Act. A student in a baccalaureate degree program  
4458 approved pursuant to s. 1007.33 who is not classified as a  
4459 resident for tuition purposes pursuant to s. 1009.21 shall not  
4460 be included in calculations of full-time equivalent enrollments  
4461 for state funding purposes.

4462       (3) Funds specifically appropriated by the Legislature for  
4463 baccalaureate degree programs approved pursuant to s. 1007.033  
4464 may be used only for such programs. A new baccalaureate degree  
4465 program may not accept students without a recurring legislative  
4466 appropriation for this purpose. However, community colleges that  
4467 have been approved by the State Board of Education prior to July  
4468 1, 2005, to offer baccalaureate degrees are not subject to the  
4469 requirement for recurring funds until the 2006-2007 budget year.

4470       (4) A community college that grants baccalaureate degrees  
4471 shall maintain reporting and funding distinctions between any  
4472 baccalaureate degree program approved under s. 1007.33 and any  
4473 other baccalaureate degree programs involving traditional  
4474 concurrent-use partnerships.

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4475 Section 87. Part VI of chapter 1011, Florida Statutes,  
4476 consisting of sections 1011.96, 1011.965, 1011.97, and 1011.98,  
4477 is created to read:

4478 1011.96 SUCCEED, FLORIDA! Crucial Professionals Program.--

4479 (1) The SUCCEED, FLORIDA! Crucial Professionals Program is  
4480 established to award funds to accredited postsecondary  
4481 educational institutions in the state on a competitive basis to  
4482 offer programs that meet the critical workforce needs of the  
4483 state and to maximize the number of diplomas, certificates, and  
4484 degrees that are awarded to postsecondary education students in  
4485 fields vital to the citizens of the state.

4486 (2) Beginning with the 2006-2007 fiscal year, funds  
4487 appropriated by the Legislature to the Department of Education  
4488 for the SUCCEED, FLORIDA! Crucial Professionals Program shall be  
4489 distributed according to the provisions of this section.

4490 (3) The department shall develop and issue annually a  
4491 request for proposals. The department shall establish  
4492 application procedures, guidelines, accountability measures, and  
4493 timelines for implementation of the grant program.

4494 (4) Proposals for a grant authorized pursuant to this  
4495 section must:

4496 (a) Indicate the number of students to be served, the  
4497 length of the proposed program, and the total projected cost to  
4498 students and the state. Funds for a grant provided pursuant to  
4499 this section must be used to support new students and not to  
4500 supplant current funding or students.

4501 (b) Document the workforce need to be addressed.

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- 4502        (c) Demonstrate a pool of qualified applicants.
- 4503        (d) Include a plan to increase the minority graduation  
4504 rate and minority presence in the workforce.
- 4505        (e) Be submitted by an accredited public or nonpublic  
4506 postsecondary educational institution in the state that provides  
4507 postsecondary instruction in a field specified in the priority  
4508 list established pursuant to subsection (5). For purposes of  
4509 this section, postsecondary educational institutions include  
4510 school district career centers that offer postsecondary  
4511 programs.
- 4512        (f) Indicate the number of postsecondary diplomas,  
4513 certificates, or degrees that the institution will award using  
4514 funds received pursuant to this section and the fields in which  
4515 the diplomas, certificates, or degrees will be awarded.
- 4516        (g) Indicate how the funds received will leverage private  
4517 industry contributions, grants, or scholarships and how the  
4518 funds will be used to offset costs to the state for program  
4519 startup or expansion or to offset student tuition costs.
- 4520        (5) By March 1, 2006, and annually thereafter, the State  
4521 Board of Education, the Board of Governors, and the board of  
4522 directors of Workforce Florida, Inc., shall each advise the  
4523 Legislature of the state's most pressing workforce needs for  
4524 postsecondary instruction and the geographic locations of these  
4525 needs. The Legislature shall annually establish a priority list  
4526 for funds provided pursuant to this section in the General  
4527 Appropriations Act.

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4528       (6) The rankings and decisions of the request-for-  
4529 proposals process shall be made by the State Board of Education  
4530 based on the priority list established pursuant to subsection  
4531 (5).

4532       (7) Grant recipients must enter into a contract with the  
4533 state to produce a specific number of graduates in the  
4534 designated program within a specific time period. Grant  
4535 recipients must submit periodic reports to the department  
4536 documenting compliance with the accountability measures  
4537 established by the department.

4538       (8) Subsequent to the first year of funding for the  
4539 SUCCEED, FLORIDA! Crucial Professionals Program, priority for  
4540 awarding grants shall be for renewal grants to programs that are  
4541 making adequate progress toward their contracted production,  
4542 including nursing programs and teaching programs at institutions  
4543 that received funding from the SUCCEED, FLORIDA! Crucial  
4544 Professionals Program during the 2005-2006 fiscal year. Renewal  
4545 award amounts shall be tied to student retention; the production  
4546 of degrees, certificates, or diplomas; the number of graduates  
4547 placed in the targeted professions in the state; or other  
4548 accountability measures determined by the department.

4549       1011.965 SUCCEED, FLORIDA! Crucial Professionals Nursing  
4550 Education Grant Program.--The SUCCEED, FLORIDA! Crucial  
4551 Professionals Nursing Education Grant Program is established as  
4552 a contract grant program within the Department of Education to  
4553 increase the capacity of nursing programs approved by the Board  
4554 of Nursing at postsecondary educational institutions to produce

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4555 more nurses or nursing faculty to enter the workforce in the  
4556 state. The department shall establish application procedures,  
4557 guidelines, accountability measures, and timelines for  
4558 implementation of the grant program and advise all Board of  
4559 Nursing approved programs accordingly.

4560 (1) Proposals for a grant authorized pursuant to this  
4561 section must:

4562 (a) Indicate the number of students to be served, the  
4563 length of the proposed program, and the projected cost.

4564 (b) Document the workforce need to be addressed through  
4565 the expanded capacity of the existing nursing program.

4566 (c) Demonstrate a pool of qualified applicants to fill the  
4567 expanded capacity.

4568 (2) Funds for a grant provided pursuant to this section  
4569 must be used to support new students and not to supplant current  
4570 funding or students. An institution applying for a grant must  
4571 certify to the department that it will not reduce funding or the  
4572 current level of enrollment in its existing nursing program. Any  
4573 such reduction shall result in a pro rata reduction in the grant  
4574 awarded pursuant to this section.

4575 (3) Priority in the awarding of new grants authorized  
4576 pursuant to this section shall be given to proposals that comply  
4577 with three or more of the following:

4578 (a) Proposals that result in new nurses in the workforce  
4579 or nurses moving to a higher level on the career ladder.

4580 (b) Proposals that could be implemented as early as the  
4581 fall 2005.

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4582 (c) Proposals that include partnerships or collaborations  
4583 with other institutions, programs, or health care providers.

4584 (d) Proposals for programs offered at the worksite or  
4585 through distance learning that permit nurses to achieve a higher  
4586 level of nursing licensure.

4587 (e) Proposals for accelerated programs that shorten the  
4588 time required to receive a diploma, certificate, or degree;  
4589 obtain licensure; and enter the workforce.

4590 (f) Proposals that target exiting military personnel or  
4591 other persons interested in making career changes.

4592 (g) Proposals from nursing programs with demonstrated  
4593 success as evidenced by graduation rates, licensure examination  
4594 passage rates, and placement of graduates in nursing employment  
4595 in the state.

4596 (h) Proposals for programs that would address the state's  
4597 need for rapid production of highly skilled clinical nurses and  
4598 qualified nursing faculty, such as the fast-track baccalaureate  
4599 to doctoral program, the Clinical Nurse Leader Program, and the  
4600 Doctor of Nursing Practice program.

4601 (4) Subsequent to the first year of funding for the grant  
4602 program, priority for awarding grants shall be for renewal  
4603 grants to nursing programs that are making adequate progress  
4604 towards their contracted production.

4605 (5) Grant recipients must enter into a contract between  
4606 the postsecondary educational institution and the state to  
4607 produce a specific number of nursing graduates within a specific  
4608 time period.

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4609       (6) Nursing programs receiving grants pursuant to this  
4610 section must submit periodic reports to the department  
4611 documenting compliance with the accountability measures  
4612 established by the department. Award amounts in subsequent years  
4613 shall be tied to student retention; the production of degrees,  
4614 certificates, or diplomas; and the number of graduates placed in  
4615 a nursing position in the state.

4616       (7) Proposals submitted pursuant to this section shall be  
4617 reviewed by the Board of Nursing and the State Board of  
4618 Education. Final approval and level of funding shall be  
4619 determined by the State Board of Education with consideration  
4620 given to comments submitted to the State Board of Education by  
4621 the Board of Nursing.

4622       (8) The State Board of Education shall monitor compliance  
4623 with accountability requirements.

4624       (9) By February 1, 2006, the State Board of Education  
4625 shall submit a report to the President of the Senate and the  
4626 Speaker of the House of Representatives on the status of  
4627 implementation of the grant program.

4628       1011.97 SUCCEED, FLORIDA! Career Paths Program.--

4629       (1) The SUCCEED, FLORIDA! Career Paths Program is  
4630 established as a grant program within the Department of  
4631 Education to provide startup grants to offset implementation  
4632 costs of partnerships between a district school board or the  
4633 Florida Virtual School and one or more businesses, industries,  
4634 or postsecondary educational institutions to operate a career  
4635 and professional academy pursuant to s. 1014.21. The Office of

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4636 Career Education in the department shall administer the startup  
4637 grants.

4638 (2) A district school board or the Florida Virtual School  
4639 may apply to the Office of Career Education for a grant which  
4640 must be provided through a competitive process and may be used  
4641 only for a career and professional academy.

4642 (3) A high school that currently has a career academy,  
4643 career institute, industry-certified program, or  
4644 preapprenticeship program as well as a charter technical career  
4645 center shall be eligible to apply for a grant to redesign its  
4646 programs to meet the rigorous and relevant academic standards of  
4647 a career and professional academy.

4648 (4) Curriculum and content developed in a career and  
4649 professional academy as a result of a startup grant shall be  
4650 made available to all school districts.

4651 1011.98 SUCCEED, FLORIDA! Great Jobs Program.--

4652 (1) The SUCCEED, FLORIDA! Great Jobs Program is  
4653 established to award funds to public and private postsecondary  
4654 educational institutions in the state on a competitive basis to  
4655 produce more qualified and trained graduates to enter high-  
4656 skill, high-wage occupations in the state.

4657 (2) Beginning with the 2006-2007 fiscal year, funds  
4658 appropriated by the Legislature to the Department of Education  
4659 for the SUCCEED, FLORIDA! Great Jobs Program shall be  
4660 distributed according to the provisions of this section.

4661 (3) The department shall develop and issue annually a  
4662 request for proposals. The department shall establish

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4663 application procedures, guidelines, accountability measures, and  
4664 timelines for implementation of the grant program.

4665 (4) Proposals for a grant authorized pursuant to this  
4666 section must:

4667 (a) Indicate the number of students to be served, the  
4668 length of the proposed program, and the total projected cost to  
4669 students and the state. Funds for a grant provided pursuant to  
4670 this section must be used to support new students and not to  
4671 supplant current funding or students.

4672 (b) Document the workforce need to be addressed.

4673 (c) Demonstrate a pool of qualified applicants.

4674 (d) Be submitted by a public or nonpublic postsecondary  
4675 educational institution in the state that provides postsecondary  
4676 instruction in a field that produces graduates prepared to enter  
4677 an occupation identified in the priority list established  
4678 pursuant to subsection (5). For purposes of this section,  
4679 postsecondary educational institutions include school district  
4680 career centers that offer postsecondary programs.

4681 (e) Indicate the number of postsecondary diplomas,  
4682 certificates, or degrees that the institution will award using  
4683 funds received pursuant to this section and the fields in which  
4684 the diplomas, certificates, or degrees will be awarded.

4685 (f) Indicate how the funds received will leverage private  
4686 industry contributions, grants, or scholarships and how the  
4687 funds will be used to offset costs to the state for program  
4688 startup or expansion or to offset student tuition costs.

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4689       (5) By March 1, 2006, and annually thereafter, the State  
4690 Board of Education, using information provided by the Workforce  
4691 Estimating Conference pursuant to s. 216.136(9), shall advise  
4692 the Legislature of the workforce needs in high-skill, high-wage  
4693 occupations and the geographic locations of these needs. The  
4694 Legislature shall annually establish a priority list for funds  
4695 provided pursuant to this section in the General Appropriations  
4696 Act.

4697       (6) The State Board of Education must review proposals and  
4698 determine funding to be provided based on the priority list  
4699 established pursuant to subsection (5).

4700       (7) Grant recipients must enter into a contract with the  
4701 state to produce a specific number of graduates in the  
4702 designated program within a specific time period. Grant  
4703 recipients must submit periodic reports to the department  
4704 documenting compliance with the accountability measures  
4705 established by the department. The State Board of Education must  
4706 monitor compliance with the accountability requirements.

4707       (8) Final payments shall be tied to the number of degrees,  
4708 certificates, or diplomas produced and the number of graduates  
4709 placed in the state.

4710       Section 88. Section 1012.82, Florida Statutes, is amended  
4711 to read:

4712       1012.82 Teaching faculty; minimum teaching hours per  
4713 week.--Each full-time member of the teaching faculty at any  
4714 community college, including faculty who teach upper-division  
4715 courses that are a component part of a baccalaureate degree

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4716 | program approved pursuant to s. 1007.33, who is paid wholly from  
4717 | funds appropriated from the community college program fund shall  
4718 | teach a minimum of 15 classroom contact hours per week at such  
4719 | institution. However, the required classroom contact hours per  
4720 | week may be reduced upon approval of the president of the  
4721 | institution in direct proportion to specific duties and  
4722 | responsibilities assigned the faculty member by his or her  
4723 | departmental chair or other appropriate college administrator.  
4724 | Such specific duties may include specific research duties,  
4725 | specific duties associated with developing television, video  
4726 | tape, or other specifically assigned innovative teaching  
4727 | techniques or devices, or assigned responsibility for off-campus  
4728 | student internship or work-study programs. A "classroom contact  
4729 | hour" consists of a regularly scheduled classroom activity of  
4730 | not less than 50 minutes in a course of instruction which has  
4731 | been approved by the community college board of trustees. Any  
4732 | full-time faculty member who is paid partly from community  
4733 | college program funds and partly from other funds or  
4734 | appropriations shall teach a minimum number of classroom contact  
4735 | hours per week in such proportion to 15 classroom contact hours  
4736 | as his or her salary paid from community college program funds  
4737 | bears to his or her total salary.

4738 |       Section 89. Subsection (2) of section 1013.60, Florida  
4739 | Statutes, is amended to read:

4740 |           1013.60 Legislative capital outlay budget request.--

4741 |           (2) The commissioner shall submit to the Governor and to  
4742 | the Legislature an integrated, comprehensive budget request for

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4743 educational facilities construction and fixed capital outlay  
4744 needs for school districts, community colleges, and  
4745 universities, pursuant to the provisions of s. 1013.64 and  
4746 applicable provisions of chapter 216. Each community college  
4747 board of trustees and each university board of trustees shall  
4748 submit to the commissioner a 3-year plan and data required in  
4749 the development of the annual capital outlay budget. Community  
4750 college boards of trustees may request funding for all  
4751 authorized programs, including approved baccalaureate degree  
4752 programs. Such a request for funding must be submitted as a part  
4753 of the 3-year priority list for community colleges pursuant to  
4754 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree  
4755 programs or baccalaureate degree programs offered under a formal  
4756 agreement with another college or university pursuant to s.  
4757 1007.33 may be computed into the survey of need for facilities  
4758 if the partner is not defraying the cost. No further  
4759 disbursements shall be made from the Public Education Capital  
4760 Outlay and Debt Service Trust Fund to a board of trustees that  
4761 fails to timely submit the required data until such board of  
4762 trustees submits the data.

4763 Section 90. Chapter 1014, Florida Statutes, consisting of  
4764 sections 1014.01, 1014.05, 1014.15, 1014.18, and 1014.21, is  
4765 created to read:

4766 1014.01 Career education.--

4767 (1) As used in this chapter, the term "career education"  
4768 includes career certificate programs, applied technology diploma  
4769 programs, degree career education programs, apprenticeship and

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4770 preapprenticeship programs, career academy programs, and other  
4771 rigorous career education programs offered by school districts,  
4772 the Florida Virtual School, and postsecondary educational  
4773 institutions to prepare students for rewarding careers.

4774 (2) The rigorous career education system shall:

4775 (a) Prepare students in career education programs,  
4776 including career and professional academies, to:

4777 1. Succeed in postsecondary education.

4778 2. Attain and sustain employment and have the opportunity  
4779 to realize economic self-sufficiency.

4780 (b) Prepare students to enter rewarding careers identified  
4781 by the Workforce Estimating Conference, pursuant to s. 216.136,  
4782 and other programs of critical state need as approved by  
4783 Workforce Florida, Inc.

4784 (c) Produce skilled employees for employers in the state  
4785 pursuant to s. 445.006(1).

4786 1014.05 Guiding principles for career education.--

4787 (1) All students should have the opportunity to graduate  
4788 from high school ready to embark on rewarding careers and  
4789 prepared for postsecondary education.

4790 (2) Both secondary and postsecondary career education  
4791 programs must include a rigorous and relevant academic program.

4792 (3) Instructional delivery systems for both secondary and  
4793 postsecondary career education programs should include qualified  
4794 teachers delivering a career education curriculum in a relevant  
4795 context with student-centered, research-based instructional  
4796 strategies and a rigorous standards-based academic curriculum.

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4797 1014.15 Deputy Commissioner of Career Education; Office of  
4798 Career Education.--

4799 (1) The position of Deputy Commissioner of Career  
4800 Education is established in the Department of Education to  
4801 direct the department's Office of Career Education established  
4802 in s. 1001.20(4). The deputy commissioner shall be responsible  
4803 for evaluating the role of public and private secondary and  
4804 postsecondary educational programs in providing rigorous career  
4805 education and reporting to the Commissioner of Education the  
4806 effectiveness of such programs; developing in partnership with  
4807 the business community and Workforce Florida, Inc., a statewide  
4808 marketing plan for secondary career education to attract high  
4809 school students into careers of critical state need; and  
4810 promoting seamless articulation throughout the career education  
4811 system. The deputy commissioner shall be a person with  
4812 established business credentials or proven success in  
4813 collaborating with the private sector in designing and  
4814 implementing successful career education programs as described  
4815 in s. 1014.21. The deputy commissioner shall be appointed by the  
4816 Commissioner of Education and shall report to the commissioner.

4817 (2) The Office of Career Education shall promote a  
4818 seamless secondary through postsecondary career education system  
4819 that is flexible, able to respond in a timely manner to student  
4820 and workforce needs, and not controlled by any one education  
4821 sector.

4822 1014.18 Legislative expectations and funding criteria for  
4823 the career education system.--Legislative expectations and

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4824 funding criteria for the rigorous career education system are as  
4825 follows:

4826 (1) Seamless career education articulation both vertically  
4827 and horizontally.

4828 (2) Creative career counseling strategies and enhanced  
4829 guidance structures, including:

4830 (a) A secondary and postsecondary academic and career  
4831 education online student advising and guidance system that is  
4832 student and parent friendly and partners with the business and  
4833 industry community as well as postsecondary educational  
4834 institutions in this state and other states.

4835 (b) Promotion in middle school of secondary and  
4836 postsecondary career education programs, including opportunities  
4837 to participate in a career and professional academy. Such  
4838 promotion shall take place through middle school exploratory  
4839 courses and use of the secondary and postsecondary academic and  
4840 career education online student advising and guidance system  
4841 described in s. 1006.01.

4842 (c) Involvement of Workforce Florida, Inc., and regional  
4843 workforce boards.

4844 (d) Partnerships with business and industry using tools,  
4845 equipment, and systems used in the business setting, including  
4846 internships, externships, and on-the-job training.

4847 (e) Opportunities and encouragement for parent  
4848 participation in secondary and postsecondary career education  
4849 planning.

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4850 (f) Professional development programs to assist guidance  
4851 counselors in using a mentor-teacher guidance model.

4852 (3) Review of Sunshine State Standards for high school to  
4853 ensure that they incorporate the appropriate rigor and relevance  
4854 based on research-based programs that have been proven to be  
4855 effective.

4856 (4) Review, by December 1, 2006, of current high school  
4857 graduation requirements and high school course enrollments to  
4858 determine the effect of increasing high school graduation  
4859 requirements to include four credits in mathematics and science  
4860 and eliminate the options for satisfying Algebra I.

4861 (5) Review of teaching practices and pedagogy in all  
4862 teacher preparation pathways to ensure that future teachers are  
4863 able to deliver rigorous instruction in a relevant manner using  
4864 real world work experience to teach specific skills.

4865 (6) Professional development for current teachers which  
4866 focuses on student-centered instructional strategies that move  
4867 students from the early learning stage of awareness to higher  
4868 learning stages of analysis, adaptation, and application of  
4869 knowledge.

4870 (7) Development of career and professional academies,  
4871 including:

4872 (a) Rigorous and relevant academic standards and curricula  
4873 and increased academic performance of students and schools using  
4874 school-level accountability data.

4875 (b) Best practices that include rigorous and relevant  
4876 academic standards and curricula, are based on research and

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4877 proven effective programs, and include preparation of high  
4878 school graduates for rewarding careers and postsecondary  
4879 education.

4880 (c) A plan for replicating successful academies that  
4881 demonstrate high performance in preparing students for both  
4882 rewarding careers and postsecondary education and that respond  
4883 to workforce needs.

4884 (8) Significant improvements in coordination and quality  
4885 of career education data collection, including comparison of  
4886 diploma, certificate, and degree production to workforce needs;  
4887 secondary and postsecondary career education program followup  
4888 surveys to determine student outcomes; second-year postsecondary  
4889 student resume postings on the Workforce Florida, Inc.,  
4890 employment website; and submission of student enrollment and  
4891 graduation information to the Florida Education and Training  
4892 Placement Information Program.

4893 (9) Elimination of waiting lists for rigorous secondary  
4894 and postsecondary career education programs.

4895 (10) Aggressive promotion of the Bright Futures Florida  
4896 Gold Seal Vocational Scholarship as a career-enhancing  
4897 scholarship applicable to all postsecondary career education  
4898 programs.

4899 (11) Establishment of secondary and postsecondary career  
4900 education best practices for relevant student-centered,  
4901 research-based instructional strategies.

4902 (12) Regular review of all secondary career education  
4903 courses to identify those courses equivalent to postsecondary

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4904 career education courses based on course content for inclusion  
4905 in dual enrollment programs.

4906 (13) A marketing plan for secondary career education to  
4907 attract high school students into careers of critical state  
4908 need, developed in partnership with the business community and  
4909 Workforce Florida, Inc., that includes:

4910 (a) Direct statewide marketing to students and families in  
4911 cooperation with Workforce Florida, Inc., and the Agency for  
4912 Workforce Innovation.

4913 (b) Business participation in all career education  
4914 programs through the use of incentives.

4915 (c) Professional recruiters to provide information and  
4916 career opportunities.

4917 (d) Advertisements and public service announcement  
4918 campaigns designed by business representatives to inform  
4919 students and their parents about career education programs and  
4920 career and employment opportunities.

4921 (14) Strong coordination with Workforce Florida, Inc., and  
4922 the Agency for Workforce Innovation.

4923 (15) Workforce skills-based training that assesses  
4924 workforce skills and matches these skills with specific careers.

4925 (16) Strong criteria and accountability measures for  
4926 postsecondary career education programs, including increased  
4927 participant completion rates, program accountability, and  
4928 longitudinal program evaluation.

4929 (17) Identification and elimination of low-performing and  
4930 geographically duplicative career education programs.

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4931 (18) Incentives to encourage successful participant  
4932 completion of postsecondary career education programs.

4933 (19) A methodology for business experts to be able to  
4934 teach career education subjects within their areas of expertise  
4935 in postsecondary career education programs.

4936 (20) Provision of postsecondary career education programs  
4937 in time segments needed by business.

4938 (21) Career education regional strategic plans coordinated  
4939 with regional workforce boards, area chambers of commerce, local  
4940 employers, school districts, career centers, and community  
4941 colleges that address:

4942 (a) Articulation agreements between secondary and  
4943 postsecondary career education and college programs for a  
4944 seamless transition of students and maximum transferability of  
4945 coursework through the career education system.

4946 (b) Career ladders for students from high school through  
4947 higher levels of postsecondary training.

4948 (c) Access to career education programs through multiple  
4949 site offerings, short-term accelerated training options, and  
4950 distance learning.

4951 (22) Beginning December 31, 2005, and each year  
4952 thereafter, an articulation audit for secondary and  
4953 postsecondary career education that:

4954 (a) Focuses on courses and programs within the industry  
4955 sector targeted by Enterprise Florida, Inc., for economic  
4956 development.

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4957 (b) Identifies specific improvements needed to maximize  
4958 credit given to public and private secondary and postsecondary  
4959 students.

4960 (c) Identifies successful local articulation agreements  
4961 that could be replicated statewide.

4962 (d) Identifies courses in career centers that articulate  
4963 to degree programs at postsecondary educational institutions.

4964 (23) Recommendations for changes to the current funding  
4965 methodology leading to:

4966 (a) Heightened recognition of the critical role of  
4967 rigorous career education to the state's workforce needs.

4968 (b) Flexibility of rigorous career education programs to  
4969 fill critical need careers.

4970 (c) Leveraging of private resources to create public-  
4971 private career education partnerships.

4972 (d) Criteria for funding public postsecondary career  
4973 education that is consistent whether offered in the community  
4974 college system or the public school system.

4975 (e) SUCCEED, FLORIDA! Career Paths Program competitive  
4976 grants as provided in the General Appropriations Act.

4977 (f) Identification of appropriate cost categories and, if  
4978 needed, weighted enrollment funding for each cost category in  
4979 the Florida Education Finance Program for career and  
4980 professional academy courses or programs that use technology,  
4981 equipment, materials, and consumable supplies reflective of  
4982 industry requirements or industry certification requirements.

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4983 (24) Annual recommendations for statutory and funding  
4984 revisions needed to enhance the career education system.

4985 (25) A clear and detailed annual report on the progress of  
4986 full implementation of the career education system.

4987 1014.21 Career and professional academies.--

4988 (1) Effective July 1, 2005, a "career and professional  
4989 academy" means a research-based, rigorous career education  
4990 program that combines relevant academic and technical curricula  
4991 around a career theme and is offered by a school district,  
4992 collaborating school districts, or the Florida Virtual School  
4993 for the purpose of providing an instructional delivery system  
4994 that incorporates relevant and rigorous academic standards with  
4995 industry and business relevancy.

4996 (2) Career and professional academies may be offered  
4997 through career academies, career institutes, industry-certified  
4998 career education programs, preapprenticeship programs, or  
4999 charter technical career centers.

5000 (3) Use of the title "career and professional academy" may  
5001 be employed by one or more programs in a high school, a school  
5002 within a high school, or a career center, but may only be used  
5003 when each program using the title is fully compliant with the  
5004 criteria in subsection (4).

5005 (4) Each career and professional academy must:

5006 (a) Provide a rigorous and relevant standards-based  
5007 academic curriculum through a career-based theme, using  
5008 instruction relevant to the career. The curriculum must take  
5009 into consideration multiple styles of student learning; promote

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5010 learning by doing through application and adaptation; maximize  
5011 relevance of the subject matter; enhance each student's capacity  
5012 to excel; and include an emphasis on work habits and work  
5013 ethics. Such instruction may include diversified cooperative  
5014 education, work experience, on-the-job training, and dual  
5015 enrollment.

5016 (b) Include one or more partnerships with businesses,  
5017 employers, industry economic development agencies, or other  
5018 appropriate sectors of the local community. Such a partnership  
5019 should include the opportunity for persons who are highly  
5020 skilled in the targeted subject matter of an academy program to  
5021 provide instruction for the academy.

5022 (c) Include one or more partnerships with a private or  
5023 public postsecondary educational institution accredited by a  
5024 regional or national accrediting agency recognized by the United  
5025 States Department of Education. The educational partner must  
5026 agree to articulate coursework to maximize transferability of  
5027 credit.

5028 (d) Include program offerings which correlate directly  
5029 with industry certifications, with targeted high-priority local  
5030 business and career opportunities, and with high-growth, high-  
5031 demand, and high-pay occupations identified on the statewide  
5032 targeted occupations list of the Workforce Estimating  
5033 Conference.

5034 (e) Establish strong eligibility criteria for student  
5035 participation. While recognizing that rigorous academic  
5036 performance will be expected of all students participating in an

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5037 academy, initial eligibility criteria should permit  
5038 opportunities for students who may not yet meet the academic  
5039 requirements but demonstrate characteristics that may lead to  
5040 success in an academy. The aim of an academy should be to serve  
5041 not only students who are already succeeding but also students  
5042 who would succeed if the proper teaching and motivational  
5043 opportunities are provided.

5044 (f) Establish relationships with business partners for use  
5045 of state-of-the-art equipment in the instructional program of  
5046 each academy.

5047 (5) A course offered by the Florida Virtual School related  
5048 to a career and professional academy program shall give priority  
5049 for enrollment to public school students in a career and  
5050 professional academy that does not have the specific career or  
5051 professional course offering.

5052 (6) Middle schools are encouraged to develop curricula and  
5053 classes that will prepare students to easily and seamlessly  
5054 enter high school career and professional academies.

5055 (7)(a) The State Board of Education shall adopt rules  
5056 under ss. 120.536(1) and 120.54 to administer the provisions of  
5057 this section.

5058 (b) The State Board of Education, pursuant to s. 1008.32,  
5059 shall enforce the provisions of this section.

5060 Section 91. Paragraphs (h) and (l) of subsection (4) of  
5061 section 215.20, Florida Statutes, are amended to read:

5062 215.20 Certain income and certain trust funds to  
5063 contribute to the General Revenue Fund.--

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5064 (4) The income of a revenue nature deposited in the  
5065 following described trust funds, by whatever name designated, is  
5066 that from which the appropriations authorized by subsection (3)  
5067 shall be made:

5068 (h) Within the Department of Education:

- 5069 1. The Educational Certification and Service Trust Fund.  
5070 2. The Phosphate Research Trust Fund.  
5071 3. The Nursing Student Loan Reimbursement Trust Fund.

5072 (l) Within the Department of Health:

- 5073 1. The Administrative Trust Fund.  
5074 2. The Brain and Spinal Cord Injury Program Trust Fund.  
5075 3. The Donations Trust Fund.  
5076 4. The Emergency Medical Services Trust Fund.  
5077 5. The Epilepsy Services Trust Fund.  
5078 6. The Florida Drug, Device, and Cosmetic Trust Fund.  
5079 7. The Grants and Donations Trust Fund.  
5080 8. The Medical Quality Assurance Trust Fund.  
5081 ~~9. The Nursing Student Loan Forgiveness Trust Fund.~~  
5082 9.10. The Planning and Evaluation Trust Fund.  
5083 10.11. The Radiation Protection Trust Fund.

5084  
5085 The enumeration of the foregoing moneys or trust funds shall not  
5086 prohibit the applicability thereto of s. 215.24 should the  
5087 Governor determine that for the reasons mentioned in s. 215.24  
5088 the money or trust funds should be exempt herefrom, as it is the  
5089 purpose of this law to exempt income from its force and effect  
5090 when, by the operation of this law, federal matching funds or

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5091 contributions or private grants to any trust fund would be lost  
5092 to the state.

5093 Section 92. Discounted computers and Internet access for  
5094 students.--

5095 (1) There is created a program to offer computers and  
5096 Internet access at a discounted price to students enrolled in  
5097 grades 5 through 12 in a public school in the state.

5098 (2) The Department of Education shall negotiate with  
5099 computer manufacturers and with nonprofit corporations that  
5100 obtain reconditioned computer hardware concerning:

5101 (a) The prices of discounted computers and whether  
5102 computer accessories such as printers or scanners will be  
5103 offered to the students at reduced prices.

5104 (b) Specialized software and hardware packages, including,  
5105 but not limited to:

5106 1. A word processor;

5107 2. Software and hardware necessary to enable broadband  
5108 Internet access; and

5109 3. An operating system.

5110 (c) The type of warranty that is to be provided to the  
5111 students and whether an extended warranty will be available to  
5112 the students and under what terms.

5113 (3) The Department of Education shall negotiate with  
5114 broadband Internet access providers concerning the prices of  
5115 discounted broadband Internet access packages. In areas in which  
5116 broadband Internet access is not currently available, the

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5117 department shall negotiate with non-broadband Internet access  
5118 providers.

5119 (4) The Department of Education shall adopt rules  
5120 concerning:

5121 (a) How to integrate into this program the provision of  
5122 computer or technical training to students in their respective  
5123 school districts.

5124 (b) How parents and students may be notified of the  
5125 discounted computer and Internet access choices available.

5126 (c) The distribution of eligibility certificates to the  
5127 students, the locations at which discounted computers and  
5128 Internet access services are available for purchase, and how  
5129 students may obtain and pay for the equipment and services  
5130 covered by this program.

5131 Section 93. Discounted computers and Internet access for  
5132 low-income students; pilot project.--

5133 (1) The Digital Divide Council, in consultation with the  
5134 Department of Education, shall implement a pilot project to  
5135 assist low-income students to purchase discounted computers and  
5136 Internet access services as negotiated by the department. The  
5137 council shall identify counties, grade levels, and low-income  
5138 eligibility criteria for participation in the pilot project.

5139 (2) The pilot project shall be funded in an amount to be  
5140 determined in the General Appropriations Act. The Digital Divide  
5141 Council is authorized to accept grants from additional public  
5142 and private sources to implement the pilot project.

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5143        Section 94. The Office of Program Policy Analysis and  
5144 Government Accountability shall monitor and study how career and  
5145 professional academies are implemented in the state. The  
5146 following shall be the major focus of the study: to determine  
5147 whether and how much postsecondary course credit is awarded to  
5148 students and whether that credit is transferable to institutions  
5149 other than the postsecondary partner; to determine the extent to  
5150 which courses are articulating to higher certificates and  
5151 degrees; to determine if there is a better way to coordinate a  
5152 seamless progression for students in a career and professional  
5153 academy program from middle school through high school and  
5154 postsecondary education; and to make recommendations for future  
5155 changes for oversight and coordination of career education  
5156 courses and programs. The Office of Program Policy Analysis and  
5157 Government Accountability shall also determine the extent to  
5158 which and under what conditions vocational and technical centers  
5159 in states that are members of the Southern Regional Education  
5160 Board are permitted to use the term "college" as part of their  
5161 name and the impact of such usage on accreditation, transfer of  
5162 credit, and other articulation issues. The report and  
5163 recommendations shall be submitted to the Governor, the  
5164 President of the Senate, and the Speaker of the House of  
5165 Representatives by December 1, 2007.

5166        Section 95. The Office of Program Policy Analysis and  
5167 Government Accountability shall conduct a study to examine how  
5168 each state university supports students in making timely  
5169 progress toward the completion of the student's degree. The

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5170 study shall review, at a minimum, how each university informs  
5171 students of the courses they must successfully complete for  
5172 their majors; how students are advised of satisfactory progress  
5173 toward completion of degrees; and the process used by the  
5174 institution to ensure that courses required for completion of a  
5175 degree are available each term. The study shall also evaluate  
5176 the effectiveness of each state university's current procedures,  
5177 assess the cost of implementing a universal tracking degree  
5178 audit system, and assess what savings would be accrued from such  
5179 a system. A report of the results of the study shall be  
5180 submitted to the Governor, the President of the Senate, and the  
5181 Speaker of the House of Representatives by January 1, 2006.

5182       Section 96. By July 1, 2006, the Department of Education,  
5183 with input from public and private postsecondary educational  
5184 institutions, shall identify national standardized or licensure  
5185 examinations by which secondary and postsecondary students may  
5186 demonstrate mastery of postsecondary nursing course material and  
5187 earn postsecondary credit for such courses. The examinations and  
5188 corresponding minimum scores required for an award of credit  
5189 shall be delineated by the State Board of Education in the  
5190 statewide articulation agreement. The delineation of such  
5191 examinations shall not preclude community colleges and  
5192 universities from awarding credit by examination based on  
5193 student performance on examinations developed within and  
5194 recognized by the individual postsecondary educational  
5195 institutions. By February 1, 2006, the Department of Education  
5196 shall provide to the Governor, the President of the Senate, and

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5197 the Speaker of the House of Representatives a status report on  
5198 implementation of this section.

5199 Section 97. All statutory powers, duties, functions,  
5200 records, positions, property, and unexpended balances of  
5201 appropriations, allocations, or other funds of the Department of  
5202 Health relating to the Nursing Student Loan Reimbursement  
5203 Program and the Nursing Student Loan Reimbursement Trust Fund as  
5204 created in s. 1009.66, Florida Statutes, and the Nursing  
5205 Scholarship Loan Program as created in s. 1009.67, Florida  
5206 Statutes, are transferred by a type two transfer as provided for  
5207 in s. 20.06(2), Florida Statutes, from the Department of Health  
5208 to the Department of Education.

5209 Section 98. To provide statewide guidance and coordination  
5210 with regard to bachelor of applied science degree programs,  
5211 minimize the unnecessary proliferation of such programs in  
5212 narrowly defined specialty areas, and assist the State Board of  
5213 Education in making decisions relating to the approval of  
5214 proposals from community colleges to offer such programs, the  
5215 state board shall convene a workgroup with representatives from  
5216 community colleges, state universities, and independent colleges  
5217 and universities to develop recommendations on the degree  
5218 requirements for a bachelor of applied science degree and  
5219 protocols for accepting credits earned by transfer students in  
5220 such programs. The State Board of Education shall submit a  
5221 report on the findings and recommendations of the workgroup to  
5222 the President of the Senate and the Speaker of the House of  
5223 Representatives by February 1, 2006. This does not preclude any

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5224 recommendation or authorization regarding the Daytona Beach  
5225 Community College proposal for a bachelor of applied science  
5226 degree program presented at the April 2005 meeting of the State  
5227 Board of Education.

5228       Section 99. Approval is granted for the endowment for the  
5229 Appleton Museum of Art, currently held by the Appleton Cultural  
5230 Center, Inc., to be transferred to the Central Florida Community  
5231 College Foundation. The endowment to be transferred, which  
5232 includes state matching funds, was established in 1987 through  
5233 the Cultural Arts Endowment Program. By this provision, the  
5234 Central Florida Community College Foundation is authorized to  
5235 manage the endowment only for the support of the educational  
5236 program at the Appleton Museum of Art and is released from all  
5237 other provisions of the Trust Agreement dated July 17, 1987, by  
5238 and between the State of Florida and the Appleton Cultural  
5239 Center, Inc., and ss. 265.601-265.607, Florida Statutes.

5240       Section 100. Section 1002.39, Florida Statutes, is amended  
5241 to read:

5242       1002.39 The John M. McKay Scholarships for Students with  
5243 Disabilities Program.--There is established a program that is  
5244 separate and distinct from the Opportunity Scholarship Program  
5245 and is named the John M. McKay Scholarships for Students with  
5246 Disabilities Program, ~~pursuant to this section.~~

5247       (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
5248 DISABILITIES PROGRAM.--The John M. McKay Scholarships for  
5249 Students with Disabilities Program is established to provide the  
5250 option to attend a public school other than the one to which

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5251 assigned, or to provide a scholarship to a private school of  
5252 choice, for students with disabilities for whom an individual  
5253 education plan has been written in accordance with rules of the  
5254 State Board of Education. Students with disabilities include K-  
5255 12 students who are documented as having mental retardation; a  
5256 ~~mentally handicapped,~~ speech or and language impairment; a  
5257 ~~impaired, deaf or hard of hearing impairment, including~~  
5258 deafness; a visual impairment, including blindness; a visually  
5259 ~~impaired,~~ dual sensory impairment; a physical impairment; a  
5260 serious emotional disturbance, including an emotional handicap;  
5261 a impaired, physically impaired, emotionally handicapped,  
5262 specific learning disability, including, but not limited to,  
5263 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
5264 brain injury; disabled, hospitalized or homebound, or autism  
5265 autistic.

5266 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.--The parent of  
5267 a public school student with a disability who is dissatisfied  
5268 with the student's progress may request and receive from the  
5269 state a John M. McKay Scholarship for the child to enroll in and  
5270 attend a private school in accordance with this section if:

5271 (a) ~~By assigned school attendance area or by special~~  
5272 ~~assignment,~~ The student has spent the prior school year in  
5273 attendance at a Florida public school or the Florida School for  
5274 the Deaf and the Blind. Prior school year in attendance means  
5275 that the student was:

5276 1. Enrolled and reported by a school district for funding  
5277 during the preceding October and February Florida Education

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5278 Finance Program surveys in kindergarten through grade 12, which  
5279 shall include time spent in a Department of Juvenile Justice  
5280 commitment program if funded under the Florida Education Finance  
5281 Program;

5282 2. Enrolled and reported by the Florida School for the  
5283 Deaf and the Blind during the preceding October and February  
5284 student membership surveys in kindergarten through grade 12; or

5285 3. Enrolled and reported by a school district for funding  
5286 during the preceding October and February Florida Education  
5287 Finance Program surveys, at least 4 years old when so enrolled  
5288 and reported, and eligible for services under s. 1003.21(1)(e).

5289  
5290 However, ~~this paragraph does not apply to a dependent child of a~~  
5291 ~~member of the United States Armed Forces who transfers to a~~  
5292 ~~school in this state from out of state or from a foreign country~~  
5293 ~~pursuant to a parent's permanent change of station orders is~~  
5294 ~~exempt from this paragraph but. A dependent child of a member of~~  
5295 ~~the United States Armed Forces who transfers to a school in this~~  
5296 ~~state from out of state or from a foreign country pursuant to a~~  
5297 ~~parent's permanent change of station orders must meet all other~~  
5298 ~~eligibility requirements to participate in the program.~~

5299 (b) The parent has obtained acceptance for admission of  
5300 the student to a private school that is eligible for the program  
5301 under subsection ~~(8)(4)~~ and has requested from the department  
5302 ~~notified the school district of the request for a scholarship at~~  
5303 ~~least 60 days prior to the date of the first scholarship~~  
5304 ~~payment. The request ~~parental notification~~ must be through a~~

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5305 communication directly to the department ~~district or through the~~  
5306 ~~Department of Education to the district~~ in a manner that creates  
5307 a written or electronic record of the request ~~notification~~ and  
5308 the date of receipt of the request ~~notification~~.

5309  
5310 ~~This section does not apply to a student who is enrolled in a~~  
5311 ~~school operating for the purpose of providing educational~~  
5312 ~~services to youth in Department of Juvenile Justice commitment~~  
5313 ~~programs. For purposes of continuity of educational choice, the~~  
5314 ~~scholarship shall remain in force until the student returns to a~~  
5315 ~~public school or graduates from high school. However, at any~~  
5316 ~~time, the student's parent may remove the student from the~~  
5317 ~~private school and place the student in another private school~~  
5318 ~~that is eligible for the program under subsection (4) or in a~~  
5319 ~~public school as provided in subsection (3).~~

5320 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.--A student is  
5321 not eligible for a John M. McKay Scholarship while he or she is:

5322 (a) Enrolled in a school operating for the purpose of  
5323 providing educational services to youth in Department of  
5324 Juvenile Justice commitment programs.

5325 (b) Receiving a corporate income tax credit scholarship  
5326 under s. 220.187.

5327 (c) Receiving an educational scholarship pursuant to this  
5328 chapter.

5329 (d) Participating in a home education program as defined  
5330 in s. 1002.01(1).

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5331 (e) Participating in a private tutoring program pursuant  
5332 to s. 1002.43.

5333 (f) Participating in a virtual school, correspondence  
5334 school, or distance learning program that receives state funding  
5335 pursuant to the student's participation.

5336 (g) Enrolled in the Florida School for the Deaf and the  
5337 Blind.

5338 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.--

5339 (a) For purposes of continuity of educational choice, a  
5340 John M. McKay Scholarship shall remain in force until the  
5341 student returns to a public school, graduates from high school,  
5342 or reaches the age of 22, whichever occurs first.

5343 (b) Upon reasonable notice to the department and the  
5344 school district, the student's parent may remove the student  
5345 from the private school and place the student in a public  
5346 school, as provided in subparagraph (5)(a)2.

5347 (c) Upon reasonable notice to the department, the  
5348 student's parent may move the student from one participating  
5349 private school to another participating private school.

5350 (5)(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION  
5351 OBLIGATIONS; PARENTAL OPTIONS.--

5352 (a)1. By April 1 of each year and within 10 days after an  
5353 individual education plan meeting, a school district shall  
5354 timely notify the parent of the student of all options available  
5355 pursuant to this section, inform the parent of the availability  
5356 of the department's telephone hotline and Internet website for  
5357 additional information on John M. McKay Scholarships, and offer

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5358 that student's parent an opportunity to enroll the student in  
5359 another public school within the district.

5360 2. The parent is not required to accept the this offer of  
5361 enrolling in another public school in lieu of requesting a John  
5362 M. McKay Scholarship to a private school. However, if the parent  
5363 chooses the public school option, the student may continue  
5364 attending a public school chosen by the parent until the student  
5365 graduates from high school.

5366 3. If the parent chooses a public school consistent with  
5367 the district school board's choice plan under s. 1002.31, the  
5368 school district shall provide transportation to the public  
5369 school selected by the parent. The parent is responsible to  
5370 provide transportation to a public school chosen that is not  
5371 consistent with the district school board's choice plan under s.  
5372 1002.31.

5373 (b)1. For a student with disabilities who does not have a  
5374 matrix of services under s. 1011.62(1)(e), the school district  
5375 must complete a matrix that assigns the student to one of the  
5376 levels of service as they existed prior to the 2000-2001 school  
5377 year.

5378 2.a. Within 10 school days after it receives notification  
5379 of a parent's request for a John M. McKay Scholarship, a  
5380 district school board must notify the student's parent if the  
5381 matrix has not been completed and inform the parent that the  
5382 district is required to complete the matrix within 30 days after  
5383 receiving notice of the parent's request for a John M. McKay

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5384 Scholarship. This notice should include the required completion  
5385 date for the matrix.

5386 b. The school district must complete the matrix of  
5387 services for any student who is participating in the John M.  
5388 McKay Scholarships for Students with Disabilities Program and  
5389 must notify the department ~~of Education~~ of the student's matrix  
5390 level within 30 days after receiving notification of a request  
5391 ~~by the student's parent of intent~~ to participate in the  
5392 scholarship program. The school district must provide the  
5393 student's parent with the student's matrix level within 10  
5394 school days after its completion.

5395 c. The department ~~of Education~~ shall notify the private  
5396 school of the amount of the scholarship within 10 days after  
5397 receiving the school district's notification of the student's  
5398 matrix level. ~~Within 10 school days after it receives~~  
5399 ~~notification of a parent's intent to apply for a McKay~~  
5400 ~~Scholarship, a district school board must notify the student's~~  
5401 ~~parent if the matrix has not been completed and provide the~~  
5402 ~~parent with the date for completion of the matrix required in~~  
5403 ~~this paragraph.~~

5404 d. A school district may change a matrix of services only  
5405 if the change is to correct a technical, typographical, or  
5406 calculation error.

5407 (c) A school district shall provide notification to  
5408 parents of the availability of a reevaluation at least every 3  
5409 years of each student who receives a John M. McKay Scholarship.

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5410        ~~(d)~~(e) If the parent chooses the private school option and  
5411 the student is accepted by the private school pending the  
5412 availability of a space for the student, the parent of the  
5413 student must notify the department ~~school district~~ 60 days prior  
5414 to the first scholarship payment and before entering the private  
5415 school in order to be eligible for the scholarship when a space  
5416 becomes available for the student in the private school.

5417        ~~(e)~~(d) The parent of a student may choose, as an  
5418 alternative, to enroll the student in and transport the student  
5419 to a public school in an adjacent school district which has  
5420 available space and has a program with the services agreed to in  
5421 the student's individual education plan already in place, and  
5422 that school district shall accept the student and report the  
5423 student for purposes of the district's funding pursuant to the  
5424 Florida Education Finance Program.

5425        ~~(f)~~(e) For a student in the district who participates in  
5426 the John M. McKay Scholarships for Students with Disabilities  
5427 Program whose parent requests that the student take the  
5428 statewide assessments under s. 1008.22, the district shall  
5429 provide locations and times to take all statewide assessments.

5430        ~~(f) A school district must notify the Department of~~  
5431 ~~Education within 10 days after it receives notification of a~~  
5432 ~~parent's intent to apply for a scholarship for a student with a~~  
5433 ~~disability. A school district must provide the student's parent~~  
5434 ~~with the student's matrix level within 10 school days after its~~  
5435 ~~completion.~~

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5436 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department  
5437 shall:

5438 (a) Establish a toll-free hotline that provides parents  
5439 and private schools with information on participation in the  
5440 John M. McKay Scholarships for Students with Disabilities  
5441 Program.

5442 (b) Annually verify the eligibility of private schools  
5443 that meet the requirements of subsection (8).

5444 (c) Establish a process by which individuals may notify  
5445 the department of any violation by a parent, private school, or  
5446 school district of state laws relating to program participation.  
5447 The department shall conduct an investigation of any written  
5448 complaint of a violation of this section, or make a referral to  
5449 the appropriate agency for an investigation, if the complaint is  
5450 signed by the complainant and is legally sufficient. A complaint  
5451 is legally sufficient if it contains ultimate facts that show  
5452 that a violation of this section or any rule adopted by the  
5453 State Board of Education has occurred. In order to determine  
5454 legal sufficiency, the department may require supporting  
5455 information or documentation from the complainant.

5456 (d) Require an annual, notarized, sworn compliance  
5457 statement by participating private schools certifying compliance  
5458 with state laws and shall retain such records.

5459 (e) Cross-check the list of participating scholarship  
5460 students with the public school enrollment lists prior to the  
5461 first scholarship payment to avoid duplication.

5462 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.--

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5463 (a) The Commissioner of Education shall deny, suspend, or  
5464 revoke a private school's participation in the scholarship  
5465 program if it is determined that the private school has failed  
5466 to comply with the provisions of this section. However, in  
5467 instances in which the noncompliance is correctable within a  
5468 reasonable amount of time and in which the health, safety, and  
5469 welfare of the students are not threatened, the commissioner may  
5470 issue a notice of noncompliance which shall provide the private  
5471 school with a timeframe within which to provide evidence of  
5472 compliance prior to taking action to suspend or revoke the  
5473 private school's participation in the scholarship program.

5474 (b) The commissioner's determination is subject to the  
5475 following:

5476 1. If the commissioner intends to deny, suspend, or revoke  
5477 a private school's participation in the scholarship program, the  
5478 department shall notify the private school of such proposed  
5479 action in writing by certified mail and regular mail to the  
5480 private school's address of record with the department. The  
5481 notification shall include the reasons for the proposed action  
5482 and notice of the timelines and procedures set forth in this  
5483 paragraph.

5484 2. The private school that is adversely affected by the  
5485 proposed action shall have 15 days from receipt of the notice of  
5486 proposed action to file with the department's agency clerk a  
5487 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
5488 the private school is entitled to a hearing under s. 120.57(1),

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5489 the department shall forward the request to the Division of  
5490 Administrative Hearings.

5491 3. Upon receipt of a request referred pursuant to this  
5492 paragraph, the director of the Division of Administrative  
5493 Hearings shall expedite the hearing and assign an administrative  
5494 law judge who shall commence a hearing within 30 days after the  
5495 receipt of the formal written request by the division and enter  
5496 a recommended order within 30 days after the hearing or within  
5497 30 days after receipt of the hearing transcript, whichever is  
5498 later. Each party shall be allowed 10 days in which to submit  
5499 written exceptions to the recommended order. A final order shall  
5500 be entered by the agency within 30 days after the entry of a  
5501 recommended order. The provisions of this subparagraph may be  
5502 waived upon stipulation by all parties.

5503 (c) The commissioner may immediately suspend payment of  
5504 scholarship funds if it is determined that there is probable  
5505 cause to believe that there is:

5506 1. An imminent threat to the health, safety, and welfare  
5507 of the students; or

5508 2. Fraudulent activity on the part of the private school.

5509  
5510 The commissioner's order suspending payment pursuant to this  
5511 paragraph may be appealed pursuant to the same procedures and  
5512 timelines as the notice of proposed action set forth in  
5513 paragraph (b).

5514 (8)(4) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be  
5515 eligible to participate in the John M. McKay Scholarships for

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5516 Students with Disabilities Program, a private school ~~must be a~~  
5517 ~~Florida private school~~, may be sectarian or nonsectarian, and  
5518 must:

5519 (a) Comply with all requirements for private schools  
5520 participating in state school choice scholarship programs  
5521 pursuant to s. 1002.421.

5522 (b) Provide the department all documentation required for  
5523 a student's participation, including the private school's and  
5524 student's fee schedules, at least 30 days before the first  
5525 quarterly scholarship payment is made for the student.

5526 (c) Be academically accountable to the parent for meeting  
5527 the educational needs of the student by:

5528 1. At a minimum, annually providing to the parent a  
5529 written explanation of the student's progress.

5530 2. Cooperating with the scholarship student whose parent  
5531 chooses to participate in the statewide assessments pursuant to  
5532 s. 1008.22.

5533

5534 The inability of a private school to meet the requirements of  
5535 this subsection shall constitute a basis for the ineligibility  
5536 of the private school to participate in the scholarship program  
5537 as determined by the department.

5538 ~~(a) Demonstrate fiscal soundness by being in operation for~~  
5539 ~~1 school year or provide the Department of Education with a~~  
5540 ~~statement by a certified public accountant confirming that the~~  
5541 ~~private school desiring to participate is insured and the owner~~  
5542 ~~or owners have sufficient capital or credit to operate the~~

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5543 ~~school for the upcoming year serving the number of students~~  
5544 ~~anticipated with expected revenues from tuition and other~~  
5545 ~~sources that may be reasonably expected. In lieu of such a~~  
5546 ~~statement, a surety bond or letter of credit for the amount~~  
5547 ~~equal to the scholarship funds for any quarter may be filed with~~  
5548 ~~the department.~~

5549 ~~(b) Notify the Department of Education of its intent to~~  
5550 ~~participate in the program under this section. The notice must~~  
5551 ~~specify the grade levels and services that the private school~~  
5552 ~~has available for students with disabilities who are~~  
5553 ~~participating in the scholarship program.~~

5554 ~~(c) Comply with the antidiscrimination provisions of 42~~  
5555 ~~U.S.C. s. 2000d.~~

5556 ~~(d) Meet state and local health and safety laws and codes.~~

5557 ~~(e) Be academically accountable to the parent for meeting~~  
5558 ~~the educational needs of the student.~~

5559 ~~(f) Employ or contract with teachers who hold~~  
5560 ~~baccalaureate or higher degrees, or have at least 3 years of~~  
5561 ~~teaching experience in public or private schools, or have~~  
5562 ~~special skills, knowledge, or expertise that qualifies them to~~  
5563 ~~provide instruction in subjects taught.~~

5564 ~~(g) Comply with all state laws relating to general~~  
5565 ~~regulation of private schools.~~

5566 ~~(h) Adhere to the tenets of its published disciplinary~~  
5567 ~~procedures prior to the expulsion of a scholarship student.~~

5568 ~~(9)(5) PARENT AND STUDENT RESPONSIBILITIES FOR OBLIGATION~~  
5569 ~~OF PROGRAM PARTICIPATION PARTICIPANTS.--A parent who applies for~~

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5570 a John M. McKay Scholarship is exercising his or her parental  
5571 option to place his or her child in a private school.

5572 ~~(a) A parent who applies for a John M. McKay Scholarship~~  
5573 ~~is exercising his or her parental option to place his or her~~  
5574 ~~child in a private school.~~ The parent must select the private  
5575 school and apply for the admission of his or her child.

5576 (b) The parent must have requested the scholarship at  
5577 least 60 days prior to the date of the first scholarship  
5578 payment.

5579 (c) Any student participating in the John M. McKay  
5580 Scholarships for Students with Disabilities ~~scholarship~~ Program  
5581 must remain in attendance throughout the school year, unless  
5582 excused by the school for illness or other good cause, ~~and must~~  
5583 ~~comply fully with the school's code of conduct.~~

5584 (d) Each ~~The~~ parent and ~~of~~ each student has an obligation  
5585 to the private school to participating in the scholarship  
5586 ~~program must~~ comply fully with the private school's published  
5587 policies ~~parental involvement requirements, unless excused by~~  
5588 ~~the school for illness or other good cause.~~

5589 (e) If the parent requests that the student participating  
5590 in the John M. McKay Scholarships for Students with Disabilities  
5591 ~~scholarship~~ Program take all statewide assessments required  
5592 pursuant to s. 1008.22, the parent is responsible for  
5593 transporting the student to the assessment site designated by  
5594 the school district.

5595 (f) Upon receipt of a scholarship warrant, the parent to  
5596 whom the warrant is made must restrictively endorse the warrant

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5597 to the private school for deposit into the account of the  
5598 private school. The parent may not designate any entity or  
5599 individual associated with the participating private school as  
5600 the parent's attorney in fact to sign a scholarship warrant. A  
5601 participant who fails to comply with this paragraph forfeits the  
5602 scholarship.

5603 ~~(g) A participant who fails to comply with this subsection~~  
5604 ~~forfeits the scholarship.~~

5605 ~~(10)(6)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.--

5606 (a)1. The maximum scholarship granted for an eligible  
5607 student with disabilities shall be a calculated amount  
5608 equivalent to the base student allocation in the Florida  
5609 Education Finance Program multiplied by the appropriate cost  
5610 factor for the educational program that would have been provided  
5611 for the student in the district school to which he or she was  
5612 assigned, multiplied by the district cost differential.

5613 2. In addition, a share of the guaranteed allocation for  
5614 exceptional students shall be determined and added to the  
5615 calculated amount. The calculation shall be based on the  
5616 methodology and the data used to calculate the guaranteed  
5617 allocation for exceptional students for each district in chapter  
5618 2000-166, Laws of Florida. Except as provided in subparagraphs  
5619 ~~subparagraph~~ 3. and 4., the calculation shall be based on the  
5620 student's grade, matrix level of services, and the difference  
5621 between the 2000-2001 basic program and the appropriate level of  
5622 services cost factor, multiplied by the 2000-2001 base student  
5623 allocation and the 2000-2001 district cost differential for the

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5624 sending district. Also, the calculated amount shall include the  
5625 per-student share of supplemental academic instruction funds,  
5626 instructional materials funds, technology funds, and other  
5627 categorical funds as provided for such purposes in the General  
5628 Appropriations Act.

5629 3. The calculated scholarship amount for a student who has  
5630 spent the prior school year in attendance at the Florida School  
5631 for the Deaf and the Blind shall be calculated as provided in  
5632 subparagraphs 1. and 2. However, the calculation shall be based  
5633 on the school district in which the parent resides at the time  
5634 of the scholarship request.

5635 ~~4.3.~~ Until the school district completes the matrix  
5636 required by paragraph ~~(5)(3)(b)~~, the calculation shall be based  
5637 on the matrix that assigns the student to support level I of  
5638 service as it existed prior to the 2000-2001 school year. When  
5639 the school district completes the matrix, the amount of the  
5640 payment shall be adjusted as needed.

5641 (b) The amount of the John M. McKay Scholarship shall be  
5642 the calculated amount or the amount of the private school's  
5643 tuition and fees, whichever is less. The amount of any  
5644 assessment fee required by the participating private school may  
5645 be paid from the total amount of the scholarship.

5646 ~~(c) If the participating private school requires partial~~  
5647 ~~payment of tuition prior to the start of the academic year to~~  
5648 ~~reserve space for students admitted to the school, that partial~~  
5649 ~~payment may be paid by the Department of Education prior to the~~  
5650 ~~first quarterly payment of the year in which the John M. McKay~~

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5651 ~~Scholarship is awarded, up to a maximum of \$1,000, and deducted~~  
5652 ~~from subsequent scholarship payments. If a student decides not~~  
5653 ~~to attend the participating private school, the partial~~  
5654 ~~reservation payment must be returned to the Department of~~  
5655 ~~Education by the participating private school. There is a limit~~  
5656 ~~of one reservation payment per student per year.~~

5657 (c)1.(d) The school district shall report all students who  
5658 are attending a private school under this program. The students  
5659 with disabilities attending private schools on John M. McKay  
5660 Scholarships shall be reported separately from other students  
5661 reported for purposes of the Florida Education Finance Program.

5662 2. For program participants who are eligible under  
5663 subparagraph (2)(a)2., the school district that is used as the  
5664 basis for the calculation of the scholarship amount as provided  
5665 in subparagraph (a)3. shall:

5666 a. Report to the department all such students who are  
5667 attending a private school under this program.

5668 b. Be held harmless for such students from the weighted  
5669 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a.  
5670 during the first school year in which the students are reported.

5671 (d)(e) Following notification on July 1, September 1,  
5672 December 1, or February 1 of the number of program participants,  
5673 the department of ~~Education~~ shall transfer, from General Revenue  
5674 funds only, the amount calculated under paragraph (b) from the  
5675 school district's total funding entitlement under the Florida  
5676 Education Finance Program and from authorized categorical

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5677 accounts to a separate account for the scholarship program for  
5678 quarterly disbursement to the parents of participating students.  
5679 Funds may not be transferred from any funding provided to the  
5680 Florida School for the Deaf and the Blind for program  
5681 participants who are eligible under subparagraph (2)(a)2. For a  
5682 student exiting a Department of Juvenile Justice commitment  
5683 program who chooses to participate in the scholarship program,  
5684 the amount of the John M. McKay Scholarship calculated pursuant  
5685 to paragraph (b) shall be transferred from the school district  
5686 in which the student last attended a public school prior to  
5687 commitment to the Department of Juvenile Justice. When a student  
5688 enters the scholarship program, the department of ~~Education~~ must  
5689 receive all documentation required for the student's  
5690 participation, including the private school's and student's fee  
5691 schedules, at least 30 days before the first quarterly  
5692 scholarship payment is made for the student. ~~The Department of~~  
5693 ~~Education may not make any retroactive payments.~~

5694 (e)(f) Upon notification proper documentation reviewed and  
5695 approved by the department that it has received the  
5696 documentation required under paragraph (d) Department of  
5697 ~~Education~~, the Chief Financial Officer shall make scholarship  
5698 payments in four equal amounts no later than September 1,  
5699 November 1, February 1, and April 1 15 of each academic year in  
5700 which the scholarship is in force. The initial payment shall be  
5701 made after department of ~~Education~~ verification of admission  
5702 acceptance, and subsequent payments shall be made upon  
5703 verification of continued enrollment and attendance at the

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5704 private school. Payment must be by individual warrant made  
5705 payable to the student's parent and mailed by the department of  
5706 ~~Education~~ to the private school of the parent's choice, and the  
5707 parent shall restrictively endorse the warrant to the private  
5708 school for deposit into the account of the private school.

5709 (f) Subsequent to each scholarship payment, the Department  
5710 of Financial Services shall randomly review endorsed warrants to  
5711 confirm compliance with endorsement requirements. The Department  
5712 of Financial Services shall immediately report inconsistencies  
5713 or irregularities to the department.

5714 (11)(7) LIABILITY.--No liability shall arise on the part  
5715 of the state based on the award or use of a John M. McKay  
5716 Scholarship.

5717 (12) SCOPE OF AUTHORITY.--The inclusion of eligible  
5718 private schools within options available to Florida public  
5719 school students does not expand the regulatory authority of the  
5720 state, its officers, or any school district to impose any  
5721 additional regulation of private schools beyond those reasonably  
5722 necessary to enforce requirements expressly set forth in this  
5723 section.

5724 (13)(8) RULES.--The State Board of Education shall adopt  
5725 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
5726 section, including rules that school districts must use to  
5727 expedite the development of a matrix of services based on an  
5728 active ~~a current~~ individual education plan from another state or  
5729 a foreign country for a transferring student with a disability  
5730 who is a dependent child of a member of the United States Armed

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5731 Forces. The rules must identify the appropriate school district  
5732 personnel who must complete the matrix of services. For purposes  
5733 of these rules, a transferring student with a disability is one  
5734 who was previously enrolled as a student with a disability in an  
5735 out-of-state or an out-of-country public or private school or  
5736 agency program and who is transferring from out of state or from  
5737 a foreign country pursuant to a parent's permanent change of  
5738 station orders. ~~However, the inclusion of eligible private  
5739 schools within options available to Florida public school  
5740 students does not expand the regulatory authority of the state,  
5741 its officers, or any school district to impose any additional  
5742 regulation of private schools beyond those reasonably necessary  
5743 to enforce requirements expressly set forth in this section.~~

5744 Section 101. Section 220.187, Florida Statutes, is amended  
5745 to read:

5746 220.187 Credits for contributions to nonprofit  
5747 scholarship-funding organizations.--

5748 (1) PURPOSE.--The purpose of this section is to:

5749 (a) Encourage private, voluntary contributions to  
5750 nonprofit scholarship-funding organizations.

5751 (b) Expand educational opportunities for children of  
5752 families that have limited financial resources.

5753 (c) Enable children in this state to achieve a greater  
5754 level of excellence in their education.

5755 (2) DEFINITIONS.--As used in this section, the term:

5756 (a) "Department" means the Department of Revenue.

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5757 (b) "Eligible contribution" means a monetary contribution  
5758 from a taxpayer, subject to the restrictions provided in this  
5759 section, to an eligible nonprofit scholarship-funding  
5760 organization. The taxpayer making the contribution may not  
5761 designate a specific child as the beneficiary of the  
5762 contribution. ~~The taxpayer may not contribute more than \$5~~  
5763 ~~million to any single eligible nonprofit scholarship-funding~~  
5764 ~~organization.~~

5765 ~~(c)~~(d) "Eligible nonprofit scholarship-funding  
5766 organization" means a charitable organization that:

5767 1. Is exempt from federal income tax pursuant to s.  
5768 501(c)(3) of the Internal Revenue Code.

5769 2. Is a Florida entity formed under chapter 607, chapter  
5770 608, or chapter 617 and whose principal office is located in the  
5771 state.

5772 3. ~~and that~~ Complies with the provisions of subsection  
5773 (6)(4).

5774 ~~(d)~~(e) "Eligible private nonpublic school" means a private  
5775 nonpublic school, as defined in s. 1002.01(2), located in  
5776 Florida that offers an education to students in any grades K-12  
5777 and that meets the requirements in subsection (8)(6).

5778 (e) "Owner or operator" includes:

5779 1. An owner, president, officer, or director of an  
5780 eligible nonprofit scholarship-funding organization or a person  
5781 with equivalent decisionmaking authority over an eligible  
5782 nonprofit scholarship-funding organization.

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5783 2. An owner, operator, superintendent, or principal of an  
5784 eligible private school or a person with equivalent  
5785 decisionmaking authority over an eligible private school.

5786 ~~(e) "Qualified student" means a student who qualifies for~~  
5787 ~~free or reduced-price school lunches under the National School~~  
5788 ~~Lunch Act and who:~~

5789 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.--The Corporate  
5790 Income Tax Credit Scholarship Program is established. A student  
5791 is eligible for a corporate income tax credit scholarship if the  
5792 student qualifies for free or reduced-price school lunches under  
5793 the National School Lunch Act and:

5794 (a)1- Was counted as a full-time equivalent student during  
5795 the previous state fiscal year for purposes of state per-student  
5796 funding;

5797 (b)2- Received a scholarship from an eligible nonprofit  
5798 scholarship-funding organization during the previous school  
5799 year; or

5800 (c)3- Is eligible to enter kindergarten or first grade.

5801  
5802 A student may continue in the scholarship program as long as the  
5803 family income level does not exceed 200 percent of the federal  
5804 poverty level.

5805 (4) SCHOLARSHIP PROHIBITIONS.--A student is not eligible  
5806 for a scholarship while he or she is:

5807 (a) Enrolled in a school operating for the purpose of  
5808 providing educational services to youth in Department of  
5809 Juvenile Justice commitment programs.

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5810 (b) Receiving a scholarship from another eligible  
5811 nonprofit scholarship-funding organization under this section.

5812 (c) Receiving an educational scholarship pursuant to  
5813 chapter 1002.

5814 (d) Participating in a home education program as defined  
5815 in s. 1002.01(1).

5816 (e) Participating in a private tutoring program pursuant  
5817 to s. 1002.43.

5818 (f) Participating in a virtual school, correspondence  
5819 school, or distance learning program that receives state funding  
5820 pursuant to the student's participation.

5821 (g) Enrolled in the Florida School for the Deaf and the  
5822 Blind.

5823 ~~(5)(3)~~ AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
5824 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

5825 (a) There is allowed a credit of 100 percent of an  
5826 eligible contribution against any tax due for a taxable year  
5827 under this chapter. However, such a credit may not exceed 75  
5828 percent of the tax due under this chapter for the taxable year,  
5829 after the application of any other allowable credits by the  
5830 taxpayer. ~~However, at least 5 percent of the total statewide~~  
5831 ~~amount authorized for the tax credit shall be reserved for~~  
5832 ~~taxpayers who meet the definition of a small business provided~~  
5833 ~~in s. 288.703(1) at the time of application.~~ The credit granted  
5834 by this section shall be reduced by the difference between the  
5835 amount of federal corporate income tax taking into account the  
5836 credit granted by this section and the amount of federal

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5837 corporate income tax without application of the credit granted  
5838 by this section.

5839 (b) The total amount of tax credits and carryforward of  
5840 tax credits which may be granted ~~each state fiscal year~~ under  
5841 this section is \$88 million. However, at least 1 percent of the  
5842 total statewide amount authorized for the tax credit shall be  
5843 reserved for taxpayers who meet the definition of a small  
5844 business provided in s. 288.703(1) at the time of application.

5845 (c) A taxpayer who files a Florida consolidated return as  
5846 a member of an affiliated group pursuant to s. 220.131(1) may be  
5847 allowed the credit on a consolidated return basis; however, the  
5848 total credit taken by the affiliated group is subject to the  
5849 limitation established under paragraph (a).

5850 (d) Effective for tax years beginning January 1, 2005, a  
5851 taxpayer may rescind all or part of its allocated tax credit  
5852 under this section. The amount rescinded shall become available  
5853 for purposes of the cap for that state fiscal year under this  
5854 section to an eligible taxpayer as approved by the department if  
5855 the taxpayer receives notice from the department that the  
5856 rescindment has been accepted by the department and the taxpayer  
5857 has not previously rescinded any or all of its tax credit  
5858 allocation under this section more than once in the previous 3  
5859 tax years. Any amount rescinded under this paragraph shall  
5860 become available to an eligible taxpayer on a first-come, first-  
5861 served basis based on tax credit applications received after the  
5862 date the rescindment is accepted by the department.

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5863 (6)(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-  
5864 FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-  
5865 funding organization:

5866 (a) Must comply with the antidiscrimination provisions of  
5867 42 U.S.C. s. 2000d.

5868 (b) Must comply with the following background check  
5869 requirements:

5870 1. An owner, operator, or employee of an eligible  
5871 nonprofit scholarship-funding organization is subject to level 2  
5872 background screening as provided under chapter 435.

5873 2. A nonprofit scholarship-funding organization whose  
5874 owner or operator fails the level 2 background screening shall  
5875 not be eligible to provide scholarships under this section.

5876 3. A nonprofit scholarship-funding organization's  
5877 continued employment of an employee after notification that the  
5878 employee has failed the level 2 background screening shall cause  
5879 the nonprofit scholarship-funding organization to be ineligible  
5880 for participation in the scholarship program.

5881 4. A nonprofit scholarship-funding organization whose  
5882 owner or operator in the last 7 years has filed for personal  
5883 bankruptcy or corporate bankruptcy in a corporation of which he  
5884 or she owned more than 20 percent shall not be eligible to  
5885 provide scholarships under this section.

5886 (c) Must not have an owner or operator who owns or  
5887 operates an eligible private school that is participating in the  
5888 scholarship program.

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5889 ~~(d)(a) Must An eligible nonprofit scholarship-funding~~  
5890 ~~organization shall~~ provide scholarships, from eligible  
5891 contributions, to eligible ~~qualified~~ students for:

5892 1. Tuition or textbook expenses for, or transportation to,  
5893 an eligible private ~~nonpublic~~ school. At least 75 percent of the  
5894 scholarship funding must be used to pay tuition expenses; or

5895 2. Transportation expenses to a Florida public school that  
5896 is located outside the district in which the student resides or  
5897 to a lab school as defined in s. 1002.32.

5898 ~~(e)(b) Must An eligible nonprofit scholarship-funding~~  
5899 ~~organization shall~~ give priority to eligible ~~qualified~~ students  
5900 who received a scholarship from an eligible nonprofit  
5901 scholarship-funding organization during the previous school  
5902 year.

5903 (f) Must provide a scholarship to an eligible student on a  
5904 first-come, first-served basis unless the student qualifies for  
5905 priority pursuant to paragraph (e).

5906 (g) May not restrict or reserve scholarships for use at a  
5907 particular private school or provide scholarships to a child of  
5908 an owner or operator.

5909 (h) Must allow an eligible student to attend any eligible  
5910 private school and must allow a parent to transfer a scholarship  
5911 during a school year to any other eligible private school of the  
5912 parent's choice.

5913 ~~(c) The amount of a scholarship provided to any child for~~  
5914 ~~any single school year by all eligible nonprofit scholarship-~~

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5915 ~~funding organizations from eligible contributions shall not~~  
5916 ~~exceed the following annual limits:~~

5917 ~~1. Three thousand five hundred dollars for a scholarship~~  
5918 ~~awarded to a student enrolled in an eligible nonpublic school.~~

5919 ~~2. Five hundred dollars for a scholarship awarded to a~~  
5920 ~~student enrolled in a Florida public school that is located~~  
5921 ~~outside the district in which the student resides.~~

5922 ~~(d) The amount of an eligible contribution which may be~~  
5923 ~~accepted by an eligible nonprofit scholarship funding~~  
5924 ~~organization is limited to the amount needed to provide~~  
5925 ~~scholarships for qualified students which the organization has~~  
5926 ~~identified and for which vacancies in eligible nonpublic schools~~  
5927 ~~have been identified.~~

5928 ~~(i)(e) Must obligate, in the same fiscal year in which the~~  
5929 ~~contribution was received, An eligible nonprofit scholarship-~~  
5930 ~~funding organization that receives an eligible contribution must~~  
5931 ~~spend 100 percent of the eligible contribution to provide~~  
5932 ~~scholarships, provided that up to 25 percent of the total~~  
5933 ~~contribution may be carried forward for scholarships to be~~  
5934 ~~granted in the following same state fiscal year in which the~~  
5935 ~~contribution was received.~~ No portion of eligible contributions  
5936 may be used for administrative expenses. All interest accrued  
5937 from contributions must be used for scholarships.

5938 ~~(j) Must maintain separate accounts for scholarship funds~~  
5939 ~~and operating funds.~~

5940 ~~(k) With the prior approval of the Department of~~  
5941 ~~Education, may transfer funds to another eligible nonprofit~~

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5942 scholarship-funding organization if additional funds are  
5943 required to meet scholarship demand at the receiving nonprofit  
5944 scholarship-funding organization. A transfer shall be limited to  
5945 the greater of \$500,000 or 20 percent of the total contributions  
5946 received by the nonprofit scholarship-funding organization  
5947 making the transfer. All transferred funds must be deposited by  
5948 the receiving nonprofit scholarship-funding organization into  
5949 its scholarship accounts. All transferred amounts received by  
5950 any nonprofit scholarship-funding organization must be  
5951 separately disclosed in the annual financial and compliance  
5952 audit required in this section.

5953 (1)(f) ~~Must~~ ~~An eligible nonprofit scholarship-funding~~  
5954 ~~organization that receives eligible contributions must~~ provide  
5955 to the Auditor General and the Department of Education an annual  
5956 financial and compliance audit of its accounts and records  
5957 conducted by an independent certified public accountant and in  
5958 accordance with rules adopted by the Auditor General. The audit  
5959 must be conducted in compliance with generally accepted auditing  
5960 standards and must include a report on financial statements  
5961 presented in accordance with generally accepted accounting  
5962 principles set forth by the American Institute of Certified  
5963 Public Accountants for not-for-profit organizations and a  
5964 determination of compliance with the statutory eligibility and  
5965 expenditure requirements set forth in this section. Audits must  
5966 be provided to the Auditor General and the Department of  
5967 Education within 180 days after completion of the eligible  
5968 nonprofit scholarship-funding organization's fiscal year.

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5969 (m) Must prepare and submit quarterly reports to the  
5970 Department of Education pursuant to paragraph (9)(m). In  
5971 addition, an eligible nonprofit scholarship-funding organization  
5972 must submit in a timely manner any information requested by the  
5973 Department of Education relating to the scholarship program.

5974  
5975 Any and all information and documentation provided to the  
5976 Department of Education and the Auditor General relating to the  
5977 identity of a taxpayer that provides an eligible contribution  
5978 under this section shall remain confidential at all times in  
5979 accordance with s. 213.053.

5980 ~~(g) Payment of the scholarship by the eligible nonprofit~~  
5981 ~~scholarship-funding organization shall be by individual warrant~~  
5982 ~~or check made payable to the student's parent. If the parent~~  
5983 ~~chooses for his or her child to attend an eligible nonpublic~~  
5984 ~~school, the warrant or check must be mailed by the eligible~~  
5985 ~~nonprofit scholarship-funding organization to the nonpublic~~  
5986 ~~school of the parent's choice, and the parent shall~~  
5987 ~~restrictively endorse the warrant or check to the nonpublic~~  
5988 ~~school. An eligible nonprofit scholarship-funding organization~~  
5989 ~~shall ensure that, upon receipt of a scholarship warrant or~~  
5990 ~~check, the parent to whom the warrant or check is made~~  
5991 ~~restrictively endorses the warrant or check to the nonpublic~~  
5992 ~~school of the parent's choice for deposit into the account of~~  
5993 ~~the nonpublic school.~~

5994 (7)(5) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
5995 PARTICIPATION OBLIGATIONS.--As a condition for scholarship

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5996 ~~payment pursuant to paragraph (4)(g), if the parent chooses for~~  
5997 ~~his or her child to attend an eligible nonpublic school, the~~  
5998 ~~parent must inform the child's school district within 15 days~~  
5999 ~~after such decision.~~

6000 (a) The parent must select an eligible private school and  
6001 apply for the admission of his or her child.

6002 (b) The parent must inform the child's school district  
6003 when the parent withdraws his or her child to attend an eligible  
6004 private school.

6005 (c) Any student participating in the scholarship program  
6006 must remain in attendance throughout the school year, unless  
6007 excused by the school for illness or other good cause.

6008 (d) Each parent and each student has an obligation to the  
6009 private school to comply with the private school's published  
6010 policies.

6011 (e) The parent shall ensure that the student participating  
6012 in the scholarship program takes the norm-referenced assessment  
6013 offered by the private school. The parent may also choose to  
6014 have the student participate in the statewide assessments  
6015 pursuant to s. 1008.22. If the parent requests that the student  
6016 participating in the scholarship program take statewide  
6017 assessments pursuant to s. 1008.22, the parent is responsible  
6018 for transporting the student to the assessment site designated  
6019 by the school district.

6020 (f) Upon receipt of a scholarship warrant or check from  
6021 the eligible nonprofit scholarship-funding organization, the  
6022 parent to whom the warrant or check is made must restrictively

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6023 endorse the warrant or check to the private school for deposit  
6024 into the account of the private school. The parent may not  
6025 designate any entity or individual associated with the  
6026 participating private school as the parent's attorney in fact to  
6027 sign a scholarship warrant or check. A participant who fails to  
6028 comply with this paragraph forfeits the scholarship.

6029 (8)(6) PRIVATE ELIGIBLE NONPUBLIC SCHOOL ELIGIBILITY AND  
6030 OBLIGATIONS.--An eligible private nonpublic school may be  
6031 sectarian or nonsectarian and must:

6032 (a) Comply with all requirements for private schools  
6033 participating in state school choice scholarship programs  
6034 pursuant to s. 1002.421.

6035 (b) Provide to the eligible nonprofit scholarship-funding  
6036 organization, upon request, all documentation required for the  
6037 student's participation, including the private school's and  
6038 student's fee schedules.

6039 (c) Be academically accountable to the parent for meeting  
6040 the educational needs of the student by:

6041 1. At a minimum, annually providing to the parent a  
6042 written explanation of the student's progress.

6043 2. Annually administering or making provision for students  
6044 participating in the scholarship program to take one of the  
6045 nationally norm-referenced tests identified by the Department of  
6046 Education. Students with disabilities for whom standardized  
6047 testing is not appropriate are exempt from this requirement. A  
6048 participating private school must report a student's scores to  
6049 the parent and to the independent research organization as

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6050 described in paragraph (9)(j) selected by the Department of  
6051 Education.

6052 3. Cooperating with the scholarship student whose parent  
6053 chooses to participate in the statewide assessments pursuant to  
6054 s. 1008.32.

6055  
6056 The inability of a private school to meet the requirements of  
6057 this subsection shall constitute a basis for the ineligibility  
6058 of the private school to participate in the scholarship program  
6059 as determined by the Department of Education.

6060 ~~(a) Demonstrate fiscal soundness by being in operation for~~  
6061 ~~one school year or provide the Department of Education with a~~  
6062 ~~statement by a certified public accountant confirming that the~~  
6063 ~~nonpublic school desiring to participate is insured and the~~  
6064 ~~owner or owners have sufficient capital or credit to operate the~~  
6065 ~~school for the upcoming year serving the number of students~~  
6066 ~~anticipated with expected revenues from tuition and other~~  
6067 ~~sources that may be reasonably expected. In lieu of such a~~  
6068 ~~statement, a surety bond or letter of credit for the amount~~  
6069 ~~equal to the scholarship funds for any quarter may be filed with~~  
6070 ~~the department.~~

6071 ~~(b) Comply with the antidiscrimination provisions of 42~~  
6072 ~~U.S.C. s. 2000d.~~

6073 ~~(c) Meet state and local health and safety laws and codes.~~

6074 ~~(d) Comply with all state laws relating to general~~  
6075 ~~regulation of nonpublic schools.~~

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6076 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department  
6077 of Education shall:

6078 (a) Annually submit to the department, by March 15, a list  
6079 of eligible nonprofit scholarship-funding organizations that  
6080 meet the requirements of paragraph (2)(c).

6081 (b) Annually verify the eligibility of nonprofit  
6082 scholarship-funding organizations that meet the requirements of  
6083 paragraph (2)(c).

6084 (c) Annually verify the eligibility of private schools  
6085 that meet the requirements of subsection (8).

6086 (d) Annually verify the eligibility of expenditures as  
6087 provided in paragraph (6)(d) using the audit required by  
6088 paragraph (6)(1).

6089 (e) Establish a toll-free hotline that provides parents  
6090 and private schools with information on participation in the  
6091 scholarship program.

6092 (f) Establish a process by which individuals may notify  
6093 the Department of Education of any violation by a parent,  
6094 private school, or school district of state laws relating to  
6095 program participation. The Department of Education shall conduct  
6096 an investigation of any written complaint of a violation of this  
6097 section, or make a referral to the appropriate agency for an  
6098 investigation, if the complaint is signed by the complainant and  
6099 is legally sufficient. A complaint is legally sufficient if it  
6100 contains ultimate facts that show that a violation of this  
6101 section or any rule adopted by the State Board of Education has  
6102 occurred. In order to determine legal sufficiency, the

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6103 Department of Education may require supporting information or  
6104 documentation from the complainant.

6105 (g) Require an annual, notarized, sworn compliance  
6106 statement by participating private schools certifying compliance  
6107 with state laws and shall retain such records.

6108 (h) Cross-check the list of participating scholarship  
6109 students with the public school enrollment lists to avoid  
6110 duplication.

6111 (i) Identify and select the nationally norm-referenced  
6112 tests that are comparable to the norm-referenced provisions of  
6113 the Florida Comprehensive Assessment Test. The State Board of  
6114 Education may not identify more than four norm-referenced tests  
6115 for use in meeting the requirements of this section. However,  
6116 the Department of Education may approve the use of an additional  
6117 assessment by the school if the school can demonstrate that the  
6118 assessment meets industry standards of quality and  
6119 comparability. The State Board of Education may select the  
6120 Florida Comprehensive Assessment Test as one of the four tests  
6121 for use in meeting such requirements.

6122 (j) Select an independent research organization, which may  
6123 be a public or private entity or university, to which  
6124 participating private schools must report the scores of  
6125 participating students on the nationally norm-referenced tests  
6126 administered by the private school. The independent research  
6127 organization must annually report to the Department of Education  
6128 on the year-to-year improvements of participating students. The  
6129 independent research organization must analyze and report

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6130 student performance data in a manner that protects the rights of  
6131 students and parents as mandated in 20 U.S.C. s. 1232g, the  
6132 Family Educational Rights and Privacy Act, and must not  
6133 disaggregate data to a level that will disclose the academic  
6134 level of individual students or of individual schools. To the  
6135 extent possible, the independent research organization must  
6136 accumulate historical performance data on students from the  
6137 Department of Education and private schools to describe baseline  
6138 performance and to conduct longitudinal studies. To minimize  
6139 costs and reduce time required for third-party analysis and  
6140 evaluation, the Department of Education shall conduct analyses  
6141 of matched students from public school assessment data and  
6142 calculate control group learning gains using an agreed-upon  
6143 methodology outlined in the contract with the third-party  
6144 evaluator. The sharing of student data must be in accordance  
6145 with requirements of 20 U.S.C. 1232g, the Family Educational  
6146 Rights and Privacy Act, and shall be for the sole purpose of  
6147 conducting the evaluation. All parties must preserve the  
6148 confidentiality of such information as required by law.

6149 (k) Notify an eligible nonprofit scholarship-funding  
6150 organization of any of the organization's identified students  
6151 who are receiving an educational scholarship pursuant to chapter  
6152 1002.

6153 (l) Notify an eligible nonprofit scholarship-funding  
6154 organization of any of the organization's identified students  
6155 who are receiving a corporate income tax credit scholarship from  
6156 another eligible nonprofit scholarship-funding organization.

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6157 (m) Require quarterly reports by an eligible nonprofit  
6158 scholarship-funding organization regarding the number of  
6159 students participating in the scholarship program, the private  
6160 schools at which the students are enrolled, and other  
6161 information deemed necessary by the Department of Education.

6162 (10) COMMISSIONER OF EDUCATION AUTHORITY AND  
6163 OBLIGATIONS.--

6164 (a) The Commissioner of Education shall deny, suspend, or  
6165 revoke a private school's participation in the scholarship  
6166 program if it is determined that the private school has failed  
6167 to comply with the provisions of this section. However, in  
6168 instances in which the noncompliance is correctable within a  
6169 reasonable amount of time and in which the health, safety, and  
6170 welfare of the students are not threatened, the commissioner may  
6171 issue a notice of noncompliance which shall provide the private  
6172 school with a timeframe within which to provide evidence of  
6173 compliance prior to taking action to suspend or revoke the  
6174 private school's participation in the scholarship program.

6175 (b) The commissioner's determination is subject to the  
6176 following:

6177 1. If the commissioner intends to deny, suspend, or revoke  
6178 a private school's participation in the scholarship program, the  
6179 Department of Education shall notify the private school of such  
6180 proposed action in writing by certified mail and regular mail to  
6181 the private school's address of record with the Department of  
6182 Education. The notification shall include the reasons for the

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6183 proposed action and notice of the timelines and procedures set  
6184 forth in this paragraph.

6185 2. The private school that is adversely affected by the  
6186 proposed action shall have 15 days from receipt of the notice of  
6187 proposed action to file with the Department of Education's  
6188 agency clerk a request for a proceeding pursuant to ss. 120.569  
6189 and 120.57. If the private school is entitled to a hearing under  
6190 s. 120.57(1), the Department of Education shall forward the  
6191 request to the Division of Administrative Hearings.

6192 3. Upon receipt of a request referred pursuant to this  
6193 paragraph, the director of the Division of Administrative  
6194 Hearings shall expedite the hearing and assign an administrative  
6195 law judge who shall commence a hearing within 30 days after the  
6196 receipt of the formal written request by the division and enter  
6197 a recommended order within 30 days after the hearing or within  
6198 30 days after receipt of the hearing transcript, whichever is  
6199 later. Each party shall be allowed 10 days in which to submit  
6200 written exceptions to the recommended order. A final order shall  
6201 be entered by the agency within 30 days after the entry of a  
6202 recommended order. The provisions of this subparagraph may be  
6203 waived upon stipulation by all parties.

6204 (c) The commissioner may immediately suspend payment of  
6205 scholarship funds if it is determined that there is probable  
6206 cause to believe that there is:

6207 1. An imminent threat to the health, safety, and welfare  
6208 of the students; or

6209 2. Fraudulent activity on the part of the private school.

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6210  
6211 The commissioner's order suspending payment pursuant to this  
6212 paragraph may be appealed pursuant to the same procedures and  
6213 timelines as the notice of proposed action set forth in  
6214 paragraph (b).

6215 (11) SCHOLARSHIP AMOUNT AND PAYMENT.--

6216 (a) The amount of a scholarship provided to any student  
6217 for any single school year by an eligible nonprofit scholarship-  
6218 funding organization from eligible contributions shall not  
6219 exceed the following annual limits:

6220 1. Three thousand seven hundred fifty dollars for a  
6221 scholarship awarded to a student enrolled in an eligible private  
6222 school.

6223 2. Five hundred dollars for a scholarship awarded to a  
6224 student enrolled in a Florida public school that is located  
6225 outside the district in which the student resides or in a lab  
6226 school as defined in s. 1002.32.

6227 (b) Payment of the scholarship by the eligible nonprofit  
6228 scholarship-funding organization shall be by individual warrant  
6229 or check made payable to the student's parent. If the parent  
6230 chooses for his or her child to attend an eligible private  
6231 school, the warrant or check must be delivered by the eligible  
6232 nonprofit scholarship-funding organization to the private school  
6233 of the parent's choice, and the parent shall restrictively  
6234 endorse the warrant or check to the private school. An eligible  
6235 nonprofit scholarship-funding organization shall ensure that the  
6236 parent to whom the warrant or check is made restrictively

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6237 endorsed the warrant or check to the private school for deposit  
6238 into the account of the private school.

6239 (c) An eligible nonprofit scholarship-funding organization  
6240 shall obtain verification from the private school of a student's  
6241 continued attendance at the school prior to each scholarship  
6242 payment.

6243 (d) Payment of the scholarship shall be made by the  
6244 eligible nonprofit scholarship-funding organization no less  
6245 frequently than on a quarterly basis.

6246 (12)(7) ADMINISTRATION; RULES.--

6247 (a) If the credit granted pursuant to this section is not  
6248 fully used in any one year because of insufficient tax liability  
6249 on the part of the corporation, the unused amount may be carried  
6250 forward for a period not to exceed 3 years; however, any  
6251 taxpayer that seeks to carry forward an unused amount of tax  
6252 credit must submit an application for allocation of tax credits  
6253 or carryforward credits as required in paragraph (d) in the year  
6254 that the taxpayer intends to use the carryforward. ~~The total~~  
6255 ~~amount of tax credits and carryforward of tax credits granted~~  
6256 ~~each state fiscal year under this section is \$88 million. This~~  
6257 carryforward applies to all approved contributions made after  
6258 January 1, 2002. A taxpayer may not convey, assign, or transfer  
6259 the credit authorized by this section to another entity unless  
6260 all of the assets of the taxpayer are conveyed, assigned, or  
6261 transferred in the same transaction.

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6262 (b) An application for a tax credit pursuant to this  
6263 section shall be submitted to the department on forms  
6264 established by rule of the department.

6265 (c) The department and the Department of Education shall  
6266 develop a cooperative agreement to assist in the administration  
6267 of this section. ~~The Department of Education shall be~~  
6268 ~~responsible for annually submitting, by March 15, to the~~  
6269 ~~department a list of eligible nonprofit scholarship funding~~  
6270 ~~organizations that meet the requirements of paragraph (2)(d) and~~  
6271 ~~for monitoring eligibility of nonprofit scholarship funding~~  
6272 ~~organizations that meet the requirements of paragraph (2)(d),~~  
6273 ~~eligibility of nonpublic schools that meet the requirements of~~  
6274 ~~paragraph (2)(c), and eligibility of expenditures under this~~  
6275 ~~section as provided in subsection (4).~~

6276 (d) The department shall adopt rules necessary to  
6277 administer this section, including rules establishing  
6278 application forms and procedures and governing the allocation of  
6279 tax credits and carryforward credits under this section on a  
6280 first-come, first-served basis.

6281 (e) The State Board ~~Department~~ of Education shall adopt  
6282 rules pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ to  
6283 administer this section ~~determine eligibility of nonprofit~~  
6284 ~~scholarship funding organizations as defined in paragraph (2)(d)~~  
6285 ~~and according to the provisions of subsection (4) and identify~~  
6286 ~~qualified students as defined in paragraph (2)(e).~~

6287 (13)(8) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible  
6288 contributions received by an eligible nonprofit scholarship-

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6289 funding organization shall be deposited in a manner consistent  
6290 with s. 17.57(2).

6291 Section 102. Section 1002.421, Florida Statutes, is  
6292 created to read:

6293 1002.421 Rights and obligations of private schools  
6294 participating in state school choice scholarship  
6295 programs.--Requirements of this section are in addition to  
6296 private school requirements outlined in s. 1002.42, specific  
6297 requirements identified within respective scholarship program  
6298 laws, and other provisions of Florida law that apply to private  
6299 schools.

6300 (1) A Florida private school participating in the  
6301 Corporate Income Tax Credit Scholarship Program established  
6302 pursuant to s. 220.187 or an educational scholarship program  
6303 established pursuant to this chapter must comply with all  
6304 requirements of this section.

6305 (2) A private school participating in a scholarship  
6306 program must be a Florida private school as defined in s.  
6307 1002.01(2) and must:

6308 (a) Be a registered Florida private school in accordance  
6309 with s. 1002.42.

6310 (b) Comply with antidiscrimination provisions of 42 U.S.C.  
6311 s. 2000d.

6312 (c) Notify the department of its intent to participate in  
6313 a scholarship program.

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6314 (d) Notify the department of any change in the school's  
6315 name, school director, mailing address, or physical location  
6316 within 15 days after the change.

6317 (e) Complete student enrollment and attendance  
6318 verification requirements, including use of an on-line  
6319 attendance verification form, prior to scholarship payment.

6320 (f) Annually complete and submit to the department a  
6321 notarized scholarship compliance statement certifying the level  
6322 of background screening, level 1 or level 2, that the school  
6323 requires of its employees and certifying compliance with state  
6324 laws relating to private school participation in the scholarship  
6325 program.

6326 (g) Provide notification to the parents of scholarship  
6327 participants and applicants as to whether the school conducts a  
6328 level 1 or level 2 background screening on employees who have  
6329 unsupervised direct contact with students.

6330 (h) Demonstrate fiscal soundness and accountability by:  
6331 1. Being in operation for at least 3 school years or  
6332 obtaining a surety bond or letter of credit for the amount equal  
6333 to the scholarship funds for any quarter and filing the surety  
6334 bond or letter of credit with the department.

6335 2. Requiring the parent of each scholarship student to  
6336 personally restrictively endorse the scholarship warrant to the  
6337 school. The school may not act as attorney in fact for the  
6338 parent of a scholarship student under the authority of a power  
6339 of attorney executed by such parent, or under any other

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6340 authority, to endorse scholarship warrants on behalf of such  
6341 parent.

6342 (i) Meet applicable state and local health, safety, and  
6343 welfare laws, codes, and rules, including:

6344 1. Fire safety.

6345 2. Building safety.

6346 (j) Employ or contract with teachers who hold  
6347 baccalaureate or higher degrees, have at least 3 years of  
6348 teaching experience in public or private schools, or have  
6349 special skills, knowledge, or expertise that qualifies them to  
6350 provide instruction in subjects taught.

6351 (k) Require each individual with direct student contact  
6352 with a scholarship student to be of good moral character, to be  
6353 subject to the level 1 background screening as provided under  
6354 chapter 435, to be denied employment or terminated if required  
6355 under s. 435.06, and not to be ineligible to teach in a public  
6356 school because his or her educator certificate is suspended or  
6357 revoked. For purposes of this paragraph:

6358 1. An "individual with direct student contact" means any  
6359 individual who has unsupervised access to a scholarship student  
6360 for whom the private school is responsible.

6361 2. The costs of fingerprinting and the background check  
6362 shall not be borne by the state.

6363 3. Continued employment of an individual after  
6364 notification that the individual has failed the level 1  
6365 background screening shall cause a private school to be  
6366 ineligible for participation in a scholarship program.

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6367 4. An individual holding a valid Florida teaching  
6368 certificate who has been fingerprinted pursuant to s. 1012.32  
6369 shall not be required to comply with the provisions of this  
6370 paragraph.

6371 (3) The inability of a private school to meet the  
6372 requirements of this section shall constitute a basis for the  
6373 ineligibility of the private school to participate in a  
6374 scholarship program as determined by the department.

6375 (4) The inclusion of eligible private schools within  
6376 options available to Florida public school students does not  
6377 expand the regulatory authority of the state, its officers, or  
6378 any school district to impose any additional regulation of  
6379 private schools beyond those reasonably necessary to enforce  
6380 requirements expressly set forth in this section.

6381 (5) The State Board of Education shall adopt rules  
6382 pursuant to ss. 120.536(1) and 120.54 to administer this  
6383 section.

6384 Section 103. The Department of Education shall evaluate  
6385 the extent to which the Sunshine State Standards in the arts are  
6386 being taught in each school district in kindergarten through  
6387 grade 12. The evaluation shall include an analysis of student  
6388 FCAT achievement levels compared to Sunshine State Standards  
6389 arts instruction and enrollment in art courses. The results of  
6390 this evaluation shall be provided to the Governor, the Speaker  
6391 of the House of Representatives, and the President of the Senate  
6392 by December 1, 2005.

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6393           Section 104. Subsections (4), (5), and (6) are added to  
6394 section 1003.455, Florida Statutes, to read:

6395           1003.455 Physical education; assessment.--

6396           (4) By September 1, 2006, each school district shall  
6397 submit to the Department of Education a copy of the wellness  
6398 policy required by the Child Nutrition and WIC Reauthorization  
6399 Act of 2004. The department shall post the policies on the  
6400 department website so that they may be reviewed and shared.

6401           (5) By January 1, 2006, each school district is encouraged  
6402 to review the level of participation and evaluate the success of  
6403 the wellness programs throughout the district in each school  
6404 setting.

6405           (6) School districts are encouraged to regularly solicit  
6406 public input regarding their policies on school nutritional  
6407 offerings and wellness plans so that the policies meet the  
6408 intent and spirit of the law, applicable rules, and Sunshine  
6409 State Standards and reflect the local community's expectations  
6410 and needs.

6411           Section 105. Each public high school that has athletic  
6412 facilities or participates in interscholastic sports shall have  
6413 an operational defibrillator on the high school grounds. Public  
6414 and private partnerships are encouraged to cover the cost  
6415 associated with purchase, placement, and training on the use of  
6416 the defibrillator.

6417           Section 106. Staff Development.--School boards are  
6418 encouraged to review the research and best practices regarding  
6419 how planned physical movement can foster enhanced learning in

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6420 academic subjects. Staff development for physical education  
6421 instructors and arts instructors must include content related to  
6422 an integrated curriculum, particularly in the areas of reading,  
6423 mathematics, arts, fitness-based instruction, and the connection  
6424 between movement and learning.

6425 Section 107. Paragraph (a) of subsection (5) of section  
6426 411.01, Florida Statutes, as amended by chapter 2004-484, Laws  
6427 of Florida, is amended to read:

6428 411.01 School readiness programs; early learning  
6429 coalitions.--

6430 (5) CREATION OF EARLY LEARNING COALITIONS.--

6431 (a) Early learning coalitions.--

6432 1. The Agency for Workforce Innovation shall establish the  
6433 minimum number of children to be served by each early learning  
6434 coalition through the coalition's school readiness program. The  
6435 Agency for Workforce Innovation may only approve school  
6436 readiness plans in accordance with this minimum number. The  
6437 minimum number must be uniform for every early learning  
6438 coalition and must:

6439 a. Permit 30 or fewer coalitions to be established; and

6440 b. Require each coalition to serve at least 2,000 children  
6441 based upon the average number of all children served per month  
6442 through the coalition's school readiness program during the  
6443 previous 12 months.

6444

6445 The Agency for Workforce Innovation shall adopt procedures for  
6446 merging early learning coalitions, including procedures for the

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6447 consolidation of merging coalitions, and for the early  
6448 termination of the terms of coalition members which are  
6449 necessary to accomplish the mergers. Each early learning  
6450 coalition must comply with the merger procedures and shall be  
6451 organized in accordance with this subparagraph by April 1, 2005.  
6452 By June 30, 2005, each coalition must complete the transfer of  
6453 powers, duties, functions, rules, records, personnel, property,  
6454 and unexpended balances of appropriations, allocations, and  
6455 other funds to the successor coalition, if applicable.  
6456 Notwithstanding the provisions of this subsection , the early  
6457 learning coalition that includes Jefferson, Liberty, Madison,  
6458 Wakulla, and Taylor counties currently in operation is  
6459 established and authorized to continue operation as an  
6460 independent coalition and shall not be counted toward the limit  
6461 of 30 coalitions pursuant to this subsection.

6462 2. If an early learning coalition would serve fewer  
6463 children than the minimum number established under subparagraph  
6464 1., the coalition must merge with another county to form a  
6465 multicounty coalition. However, the Agency for Workforce  
6466 Innovation may authorize an early learning coalition to serve  
6467 fewer children than the minimum number established under  
6468 subparagraph 1., if:

6469 a. The coalition demonstrates to the Agency for Workforce  
6470 Innovation that merging with another county or multicounty  
6471 region contiguous to the coalition would cause an extreme  
6472 hardship on the coalition;

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6473           b. The Agency for Workforce Innovation has determined  
6474 during the most recent annual review of the coalition's school  
6475 readiness plan, or through monitoring and performance  
6476 evaluations conducted under paragraph (4)(1), that the coalition  
6477 has substantially implemented its plan and substantially met the  
6478 performance standards and outcome measures adopted by the  
6479 agency; and

6480           c. The coalition demonstrates to the Agency for Workforce  
6481 Innovation the coalition's ability to effectively and  
6482 efficiently implement the Voluntary Prekindergarten Education  
6483 Program.

6484  
6485 If an early learning coalition fails or refuses to merge as  
6486 required by this subparagraph, the Agency for Workforce  
6487 Innovation may dissolve the coalition and temporarily contract  
6488 with a qualified entity to continue school readiness and  
6489 prekindergarten services in the coalition's county or  
6490 multicounty region until the coalition is reestablished through  
6491 resubmission of a school readiness plan and approval by the  
6492 agency.

6493           3. Each early learning coalition shall be composed of at  
6494 least 18 members but not more than 35 members. The Agency for  
6495 Workforce Innovation shall adopt standards establishing within  
6496 this range the minimum and maximum number of members that may be  
6497 appointed to an early learning coalition. These standards must  
6498 include variations for a coalition serving a multicounty region.  
6499 Each early learning coalition must comply with these standards.

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6500 4. The Governor shall appoint the chair and two other  
6501 members of each early learning coalition, who must each meet the  
6502 same qualifications as private-sector business members appointed  
6503 by the coalition under subparagraph 6.

6504 5. Each early learning coalition must include the  
6505 following members:

6506 a. A Department of Children and Family Services district  
6507 administrator or his or her designee who is authorized to make  
6508 decisions on behalf of the department.

6509 b. A district superintendent of schools or his or her  
6510 designee who is authorized to make decisions on behalf of the  
6511 district, who shall be a nonvoting member.

6512 c. A regional workforce board executive director or his or  
6513 her designee.

6514 d. A county health department director or his or her  
6515 designee.

6516 e. A children's services council or juvenile welfare board  
6517 chair or executive director, if applicable, who shall be a  
6518 nonvoting member if the council or board is the fiscal agent of  
6519 the coalition or if the council or board contracts with and  
6520 receives funds from the coalition.

6521 f. An agency head of a local licensing agency as defined  
6522 in s. 402.302, where applicable.

6523 g. A president of a community college or his or her  
6524 designee.

6525 h. One member appointed by a board of county  
6526 commissioners.

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- 6527 i. A central agency administrator, where applicable, who  
6528 shall be a nonvoting member.
- 6529 j. A Head Start director, who shall be a nonvoting member.
- 6530 k. A representative of private child care providers,  
6531 including family day care homes, who shall be a nonvoting  
6532 member.
- 6533 l. A representative of faith-based child care providers,  
6534 who shall be a nonvoting member.
- 6535 m. A representative of programs for children with  
6536 disabilities under the federal Individuals with Disabilities  
6537 Education Act, who shall be a nonvoting member.
- 6538 6. Including the members appointed by the Governor under  
6539 subparagraph 4., more than one-third of the members of each  
6540 early learning coalition must be private-sector business members  
6541 who do not have, and none of whose relatives as defined in s.  
6542 112.3143 has, a substantial financial interest in the design or  
6543 delivery of the Voluntary Prekindergarten Education Program  
6544 created under part V of chapter 1002 or the coalition's school  
6545 readiness program. To meet this requirement an early learning  
6546 coalition must appoint additional members from a list of  
6547 nominees submitted to the coalition by a chamber of commerce or  
6548 economic development council within the geographic region served  
6549 by the coalition. The Agency for Workforce Innovation shall  
6550 establish criteria for appointing private-sector business  
6551 members. These criteria must include standards for determining  
6552 whether a member or relative has a substantial financial  
6553 interest in the design or delivery of the Voluntary

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6554 Prekindergarten Education Program or the coalition's school  
6555 readiness program.

6556 7. A majority of the voting membership of an early  
6557 learning coalition constitutes a quorum required to conduct the  
6558 business of the coalition.

6559 8. A voting member of an early learning coalition may not  
6560 appoint a designee to act in his or her place, except as  
6561 otherwise provided in this paragraph. A voting member may send a  
6562 representative to coalition meetings, but that representative  
6563 does not have voting privileges. When a district administrator  
6564 for the Department of Children and Family Services appoints a  
6565 designee to an early learning coalition, the designee is the  
6566 voting member of the coalition, and any individual attending in  
6567 the designee's place, including the district administrator, does  
6568 not have voting privileges.

6569 9. Each member of an early learning coalition is subject  
6570 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
6571 112.3143(3)(a), each voting member is a local public officer who  
6572 must abstain from voting when a voting conflict exists.

6573 10. For purposes of tort liability, each member or  
6574 employee of an early learning coalition shall be governed by s.  
6575 768.28.

6576 11. An early learning coalition serving a multicounty  
6577 region must include representation from each county.

6578 12. Each early learning coalition shall establish terms  
6579 for all appointed members of the coalition. The terms must be  
6580 staggered and must be a uniform length that does not exceed 4

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6581 years per term. Appointed members may serve a maximum of two  
6582 consecutive terms. When a vacancy occurs in an appointed  
6583 position, the coalition must advertise the vacancy.

6584 Section 108. Paragraphs (e) and (f) are added to  
6585 subsection (2) of section 1006.20, Florida Statutes, to read:

6586 1006.20 Athletics in public K-12 schools.--

6587 (2) ADOPTION OF BYLAWS.--

6588 (e) The organization shall adopt bylaws in consultation  
6589 with the Florida School Boards Association and the Florida  
6590 Association of District School Superintendents specifying that,  
6591 in order to qualify for membership in the organization, a school  
6592 must abide by district school board procedure or private school  
6593 procedure that requires:

6594 1. Instruction in physical education or health classes on  
6595 the dangers of steroid use.

6596 2. Instruction by head coaches to the members of their  
6597 teams on the dangers of steroid use.

6598 3. Inclusion of a prohibition against steroid use in the  
6599 student code of conduct.

6600 4. Inclusion of steroid effects in drug suspicion  
6601 criteria.

6602 (f) The organization shall adopt bylaws requiring  
6603 adherence to the Florida Coaches Code of Ethics, including  
6604 penalties for noncompliance. The Florida Coaches Code of Ethics  
6605 shall be developed by October 1, 2005.

6606 Section 109. Not later than October 1, 2005, the Florida  
6607 High School Athletic Association shall make recommendations to

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6608 | the Speaker of the House of Representatives and the President of  
6609 | the Senate for a pilot drug testing program to test for  
6610 | performance-enhancing drugs. The pilot program must involve  
6611 | statewide testing of a random sample of the student athletes in  
6612 | a selected sport.

6613 |       Section 110. Paragraph (b) of subsection (2) of section  
6614 | 287.055, Florida Statutes, is amended, and paragraph (e) is  
6615 | added to subsection (4) of said section, to read:

6616 |       287.055 Acquisition of professional architectural,  
6617 | engineering, landscape architectural, or surveying and mapping  
6618 | services; definitions; procedures; contingent fees prohibited;  
6619 | penalties.--

6620 |       (2) DEFINITIONS.--For purposes of this section:

6621 |       (b) "Agency" means the state, a state agency, a  
6622 | municipality, a political subdivision, a school district, ~~or~~ a  
6623 | school board, or a regional consortium service organization  
6624 | formed under s. 1001.451. The term "agency" does not extend to a  
6625 | nongovernmental developer that contributes public facilities to  
6626 | a political subdivision under s. 380.06 or ss. 163.3220-  
6627 | 163.3243.

6628 |       (4) COMPETITIVE SELECTION.--

6629 |       (e) A member of a regional consortium service  
6630 | organization, formed under s. 1001.451, may make purchases under  
6631 | contracts procured pursuant to this section.

6632 |       Section 111. Section 1001.453, Florida Statutes, is  
6633 | amended to read:

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6634 1001.453 Direct-support organization; use of property;  
6635 board of directors; audit.--

6636 (1) DEFINITIONS.--For the purposes of this section, the  
6637 term:

6638 (a) "~~District school board~~ Direct-support organization"  
6639 means a district school board direct-support organization or a  
6640 regional consortium service organization direct-support an  
6641 organization that:

6642 1. Is approved by the district school board or regional  
6643 consortium service organization board of directors;

6644 2. Is a Florida corporation not for profit, incorporated  
6645 under the provisions of chapter 617 and approved by the  
6646 Department of State; and

6647 3. Is organized and operated exclusively to receive, hold,  
6648 invest, and administer property and to make expenditures to or  
6649 for the benefit of public kindergarten through 12th grade  
6650 education and adult career and community education programs in  
6651 this state.

6652 (b) "Personal services" includes full-time or part-time  
6653 personnel, as well as payroll processing.

6654 (c) "Regional consortium service organization" means an  
6655 organization formed under s. 1001.451.

6656 (2) USE OF PROPERTY.--A district school board or regional  
6657 consortium service organization board of directors:

6658 (a) Is authorized to permit the use of property,  
6659 facilities, and personal services of the district or regional

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6660 consortium service organization by a direct-support  
6661 organization, subject to the provisions of this section.

6662 (b) Shall prescribe by rule conditions with which a  
6663 ~~district school board~~ direct-support organization must comply in  
6664 order to use property, facilities, or personal services of the  
6665 district or regional consortium service organization. Adoption  
6666 of such rules shall be coordinated with the Department of  
6667 Education. The rules shall provide for budget and audit review  
6668 and oversight by the district school board or regional  
6669 consortium service organization board of directors and the  
6670 department.

6671 (c) Shall not permit the use of property, facilities, or  
6672 personal services of a direct-support organization if such  
6673 organization does not provide equal employment opportunities to  
6674 all persons, regardless of race, color, religion, sex, age, or  
6675 national origin.

6676 (3) BOARD OF DIRECTORS.--The board of directors of the  
6677 ~~district school board~~ direct-support organization shall be  
6678 approved by the district school board or the regional consortium  
6679 service organization board of directors.

6680 (4) ANNUAL AUDIT.--Each direct-support organization with  
6681 more than \$100,000 in expenditures or expenses shall provide for  
6682 an annual ~~financial~~ audit of its financial statements in order  
6683 to express an opinion on the fairness with which the financial  
6684 statements are presented in conformance with generally accepted  
6685 accounting principles. The audit is ~~accounts and records,~~ to be  
6686 conducted by an independent certified public accountant in

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6687 accordance with rules adopted by the Auditor General pursuant to  
6688 s. 11.45(8) and the Commissioner of Education. The annual audit  
6689 report shall be submitted to the Auditor General and the  
6690 district school board or regional consortium service  
6691 organization board of directors for review within 9 months after  
6692 the end of the fiscal year or by the date established by year's  
6693 end to the district school board or regional consortium service  
6694 organization board of directors and the Auditor General,  
6695 whichever is earlier. The Commissioner of Education, the Auditor  
6696 General, and the Office of Program Policy Analysis and  
6697 Government Accountability have the authority to require and  
6698 receive from the organization or the district auditor or  
6699 regional consortium service organization auditor any records  
6700 relative to the operation of the organization. The identity of  
6701 donors and all information identifying donors and prospective  
6702 donors are confidential and exempt from the provisions of s.  
6703 119.07(1), and that anonymity shall be maintained in the  
6704 auditor's report. All other records and information shall be  
6705 considered public records for the purposes of chapter 119.

6706 Section 112. Section 1010.09, Florida Statutes, is amended  
6707 to read:

6708 1010.09 Direct-support organizations.--School district,  
6709 regional consortium service organization, community college, and  
6710 university direct-support organizations shall be organized and  
6711 conducted under the provisions of ss. 1001.453, 1004.28, and  
6712 1004.70 and rules of the State Board of Education, as  
6713 applicable.

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6714 Section 113. Section 1011.765, Florida Statutes, is  
6715 amended to read:

6716 1011.765 Florida Academic Improvement Trust Fund matching  
6717 grants.--

6718 (1) MATCHING GRANTS.--The Florida Academic Improvement  
6719 Trust Fund shall be utilized to provide matching grants to the  
6720 Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~  
6721 any public school district education foundation, and any  
6722 regional consortium service organization education foundation  
6723 that meets the requirements of this section and is recognized by  
6724 the local school district as a its designated K-12 education  
6725 foundation. For purposes of this section, "regional consortium  
6726 service organization" means an organization formed under s.  
6727 1001.451.

6728 (a) The State Board of Education shall adopt rules for the  
6729 administration, submission, documentation, evaluation, and  
6730 approval of requests for matching funds and for maintaining  
6731 accountability for matching funds.

6732 (b) Donations, state matching funds, or proceeds from  
6733 endowments established pursuant to this section shall be used at  
6734 the discretion of the public school district education  
6735 foundation, the regional consortium service organization  
6736 education foundation, or the Florida School for the Deaf and the  
6737 Blind for academic achievement within the school district,  
6738 school districts, or school, and shall not be expended for the  
6739 construction of facilities or for the support of interscholastic  
6740 athletics. A Ne public school district education foundation, a

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6741 regional consortium service organization education foundation,  
6742 or the Florida School for the Deaf and the Blind shall not  
6743 accept or purchase facilities for which the state will be asked  
6744 for operating funds unless the Legislature has granted prior  
6745 approval for such acquisition.

6746 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to  
6747 the Florida Academic Improvement Trust Fund shall be allocated  
6748 by the Department of Education in the following manner:

6749 (a) For every year in which there is a legislative  
6750 appropriation to the trust fund, an equal amount of the annual  
6751 appropriation, to be determined by dividing the total  
6752 legislative appropriation by the number of local education  
6753 foundations and regional consortium service organization  
6754 education foundations, as well as the Florida School for the  
6755 Deaf and the Blind, must be reserved for each public school  
6756 district education foundation, each regional consortium service  
6757 organization education foundation, and the Florida School for  
6758 the Deaf and the Blind Endowment Fund to provide each foundation  
6759 and the Florida School for the Deaf and the Blind with an  
6760 opportunity to receive and match appropriated funds. Trust funds  
6761 that remain unmatched by contribution on April 1 of any year  
6762 shall be made available for matching by any public school  
6763 district education foundation, by any regional consortium  
6764 service organization education foundation, and by the Florida  
6765 School for the Deaf and the Blind which shall have an  
6766 opportunity to apply for excess trust funds prior to the award  
6767 of such funds.

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6768 (b) Matching grants shall be proportionately allocated  
6769 from the trust fund on the basis of matching each \$4 of state  
6770 funds with \$6 of private funds. To be eligible for matching, a  
6771 minimum of \$4,500 must be raised from private sources.

6772 (c) Funds sufficient to provide the match shall be  
6773 transferred from the state trust fund to the public school  
6774 education foundation, to the regional consortium service  
6775 organization education foundation, or to the Florida School for  
6776 the Deaf and the Blind Endowment Fund upon notification that a  
6777 proportionate amount has been received and deposited by the  
6778 foundation or school into its own trust fund.

6779 (d) If the total of the amounts to be distributed in any  
6780 quarter pursuant to this subsection exceeds the amount of funds  
6781 remaining from specific appropriations made for the  
6782 implementation of this section, all grants shall be  
6783 proportionately reduced so that the total of matching grants  
6784 distributed does not exceed available appropriations.

6785 (3) GRANT ADMINISTRATION.--

6786 (a) Each public school district education foundation, each  
6787 regional consortium service organization education foundation,  
6788 and the Florida School for the Deaf and the Blind participating  
6789 in the Florida Academic Improvement Trust Fund shall separately  
6790 account for all funds received pursuant to this section, and may  
6791 establish its own academic improvement trust fund as a  
6792 depository for the private contributions, state matching funds,  
6793 and earnings on investments of such funds. State matching funds  
6794 shall be transferred to the public school district education

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6795 foundation, to the regional consortium service organization  
6796 education foundation, or to the Florida School for the Deaf and  
6797 the Blind Endowment Fund upon notification that the foundation  
6798 or school has received and deposited private contributions that  
6799 meet the criteria for matching as provided in this section. The  
6800 public school district education foundations, the regional  
6801 consortium service organization education foundations, and the  
6802 Florida School for the Deaf and the Blind are responsible for  
6803 the maintenance, investment, and administration of their  
6804 academic improvement trust funds.

6805 (b) The public school district education foundations, the  
6806 regional consortium service organization education foundations,  
6807 and the Florida School for the Deaf and the Blind shall be  
6808 responsible for soliciting and receiving contributions to be  
6809 deposited and matched with grants for academic achievement  
6810 within the school district, school districts, or school.

6811 (c) Each public school district education foundation, each  
6812 regional consortium service organization education foundation,  
6813 and the Florida School for the Deaf and the Blind shall be  
6814 responsible for proper expenditure of the funds received  
6815 pursuant to this section.

6816 Section 114. Subsections (6) and (7) are added to section  
6817 401.107, Florida Statutes, to read:

6818 401.107 Definitions.--As used in this part, the term:

6819 (6) "Youth athletic organization" means a private not-for-  
6820 profit organization that promotes and provides organized  
6821 athletic activities to youth.

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6822           (7) "Automated external defibrillator device" means a  
6823 device as defined in s. 768.1325(2)(b).

6824           Section 115. Section 401.111, Florida Statutes, is amended  
6825 to read:

6826           401.111 Emergency medical services grant program;  
6827 authority.--The department is hereby authorized to make grants  
6828 to local agencies, ~~and~~ emergency medical services organizations,  
6829 and youth athletic organizations in accordance with any  
6830 agreement entered into pursuant to this part. These grants shall  
6831 be designed to assist local ~~said~~ agencies and emergency medical  
6832 services organizations in providing emergency medical services,  
6833 including emergency medical dispatch, and to assist youth  
6834 athletic organizations that work in conjunction with local  
6835 emergency medical services organizations to expand the use of  
6836 automated external defibrillator devices in the community. The  
6837 cost of administering this program shall be paid by the  
6838 department from funds appropriated to it.

6839           Section 116. Paragraphs (a) and (b) of subsection (2) of  
6840 section 401.113, Florida Statutes, are amended to read:

6841           401.113 Department; powers and duties.--

6842           (2) The department shall annually dispense funds contained  
6843 in the Emergency Medical Services Trust Fund as follows:

6844           (a) Forty-five percent of such moneys must be divided  
6845 among the counties according to the proportion of the combined  
6846 amount deposited in the trust fund from the county. These funds  
6847 may not be used to match grant funds as identified in paragraph  
6848 (b). An individual board of county commissioners may distribute

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6849 these funds to emergency medical service organizations and youth  
6850 athletic organizations within the county, as it deems  
6851 appropriate.

6852 (b) Forty percent of such moneys must be used by the  
6853 department for making matching grants to local agencies,  
6854 municipalities, ~~and~~ emergency medical services organizations,  
6855 and youth athletic organizations for the purpose of conducting  
6856 research, increasing existing levels of emergency medical  
6857 services, evaluation, community education, injury-prevention  
6858 programs, and training in cardiopulmonary resuscitation and  
6859 other lifesaving and first aid techniques.

6860 1. At least 90 percent of these moneys must be made  
6861 available on a cash matching basis. A grant made under this  
6862 subparagraph must be contingent upon the recipient providing a  
6863 cash sum equal to 25 percent of the total department-approved  
6864 grant amount.

6865 2. No more than 10 percent of these moneys must be made  
6866 available to rural emergency medical services, and  
6867 notwithstanding the restrictions specified in subsection (1),  
6868 these moneys may be used for improvement, expansion, or  
6869 continuation of services provided. A grant made under this  
6870 subparagraph must be contingent upon the recipient providing a  
6871 cash sum equal to no more than 10 percent of the total  
6872 department-approved grant amount.

6873  
6874 The department shall develop procedures and standards for grant  
6875 disbursement under this paragraph based on the need for

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6876 emergency medical services, the requirements of the population  
6877 to be served, and the objectives of the state emergency medical  
6878 services plan.

6879 Section 117. The Department of Health shall implement an  
6880 educational campaign to inform any person who acquires an  
6881 automated external defibrillator device that his or her immunity  
6882 from liability under s. 768.1325, Florida Statutes, for harm  
6883 resulting from the use or attempted use of the device, does not  
6884 apply if he or she fails to:

6885 (1) Properly maintain and test the device; or

6886 (2) Provide appropriate training in the use of the device  
6887 to his or her employee or agent when the employee or agent was  
6888 the person who used the device on the victim, except as provided  
6889 in s. 768.1325, Florida Statutes.

6890 Section 118. Subject to appropriation, the Department of  
6891 Law Enforcement shall purchase a high-speed electronic  
6892 fingerprint scanner and provide sufficient staff support to  
6893 conduct level 2 background fingerprint screening for private  
6894 schools participating in the Opportunity Scholarship Program,  
6895 the John M. McKay Scholarships for Students with Disabilities  
6896 Program, and the Corporate Income Tax Credit Scholarship  
6897 Program. Within 90 days of acquisition of the scanner, level 2  
6898 background fingerprint screening shall be required for all  
6899 employees who have direct contact with students in the private  
6900 schools participating in the scholarship programs. Results of  
6901 the screening shall be provided to the participating private  
6902 schools.

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6903           Section 119. If any provision of this act or the  
6904 application thereof to any person or circumstance is held  
6905 invalid, the invalidity shall not affect other provisions or  
6906 applications of the act which can be given effect without the  
6907 invalid provision or application and, to this end, the  
6908 provisions of this act are declared severable.

6909           Section 120. This act shall take effect upon becoming a  
6910 law.

6911

6912 ===== T I T L E   A M E N D M E N T =====

6913           Remove line(s) 1148-1224 and insert:

6914                               A bill to be entitled  
6915           An act relating to education; amending s. 20.15, F.S.;  
6916           establishing the Division of Accountability, Research, and  
6917           Measurement in the Department of Education; amending s.  
6918           1000.01, F.S.; conforming provisions relating to the  
6919           repeal of the Council for Education Policy Research and  
6920           Improvement; amending s. 1001.03, F.S.; requiring the  
6921           State Board of Education to review the Sunshine State  
6922           Standards and provide a report evaluating the extent to  
6923           which the standards are being taught; amending s. 1001.11,  
6924           F.S.; conforming provisions relating to the repeal of the  
6925           Council for Education Policy Research and Improvement;  
6926           providing duties of the department relating to education  
6927           goals; creating s. 1001.215, F.S.; creating the Just Read,  
6928           Florida! Office in the Department of Education; providing  
6929           duties; amending s. 1001.41, F.S.; requiring district

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6930 school boards to adopt policies to provide each student a  
6931 complete education program; amending s. 1001.42, F.S.;  
6932 providing requirements for each district school board's  
6933 system of school improvement and student progression;  
6934 providing components to increase student achievement;  
6935 conforming provisions relating to deletion of a rigorous  
6936 reading requirement and the designation of school grades;  
6937 amending s. 1002.38, F.S.; conforming provisions relating  
6938 to the designation of school grades and revising the date  
6939 for request of an Opportunity Scholarship; amending s.  
6940 1003.01, F.S.; revising definition of the term "special  
6941 education services"; amending s. 1003.03, F.S.; modifying  
6942 implementation provisions relating to constitutional class  
6943 size requirements; amending s. 1003.05, F.S.; deleting the  
6944 requirement that certain children receive preference for  
6945 admission to special academic programs even if maximum  
6946 enrollment has been reached; removing charter schools from  
6947 the definition of special academic programs; creating s.  
6948 1003.413, F.S.; requiring each school district to  
6949 establish policies to assist high school students to  
6950 remain in school, graduate on time, and be prepared for  
6951 postsecondary education and the workplace; directing the  
6952 Commissioner of Education to create and implement the  
6953 Challenge High School Recognition Program; creating the  
6954 High School Reform Task Force and providing for  
6955 appointment of members; requiring recommendation of a  
6956 long-term plan relating to high school reform and

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6957 specifying items to be addressed; providing for  
6958 termination of the task force; amending s. 1003.415, F.S.;  
6959 providing the mission of middle grades; deleting the  
6960 rigorous reading requirement for middle grade students;  
6961 deleting obsolete language relating to a department study;  
6962 creating s. 1003.4155, F.S.; specifying the grading scale  
6963 for grades 6 through 8; creating s. 1003.4156, F.S.;  
6964 specifying general requirements for middle school  
6965 promotion; requiring an intensive reading course under  
6966 certain circumstances; defining an academic credit;  
6967 requiring school district policies and authorizing  
6968 alternative methods for progression; requiring adoption of  
6969 rules for alternative promotion standards; amending s.  
6970 1003.42, F.S.; revising provisions relating to required  
6971 instruction and courses of study in the public schools;  
6972 including study of the history of the United States and  
6973 free enterprise; amending s. 1003.43, F.S., relating to  
6974 general requirements for high school graduation; including  
6975 study of the Declaration of Independence in the credit  
6976 requirement for American government; amending s. 1003.57,  
6977 F.S.; providing guidelines for determining the residency  
6978 of an exceptional student with a disability who resides in  
6979 a residential facility and receives special instruction or  
6980 services; requiring the placing authority in a parent's  
6981 state of residence to pay the cost of such instruction,  
6982 facilities, and services for a nonresident exceptional  
6983 student with a disability; providing requirements of the

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6984 department and school districts with respect to financial  
6985 obligations; providing responsibilities of residential  
6986 facilities that educate exceptional students with  
6987 disabilities; providing applicability; defining the term  
6988 "parent" for purposes of the section; authorizing adoption  
6989 of rules; creating s. 1003.575, F.S.; requiring the  
6990 department to coordinate the development of an individual  
6991 education plan form for use in developing and implementing  
6992 individual education plans for exceptional students;  
6993 requiring the form to be available to school districts to  
6994 facilitate the use of an individual education plan when a  
6995 student transfers; amending s. 1003.58, F.S.; correcting a  
6996 cross reference; amending s. 1003.62, F.S.; conforming  
6997 provisions relating to the designation of school grades  
6998 and differentiated-pay policies; amending ss. 1005.22 and  
6999 1007.33, F.S.; conforming provisions relating to the  
7000 repeal of the Council for Education Policy Research and  
7001 Improvement; amending s. 1008.22, F.S.; specifying grade  
7002 level and subject area testing requirements; requiring the  
7003 State Board of Education to conduct concordance studies to  
7004 determine FCAT equivalencies for high school graduation;  
7005 deleting a limitation on and specifying requirements for  
7006 the use of alternative assessments to the grade 10 FCAT;  
7007 requiring an annual report on student performance;  
7008 amending s. 1008.25, F.S.; authorizing district school  
7009 boards to require low-performing students to attend  
7010 remediation programs outside of regular school hours;

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7011 requiring the department to establish a uniform format for  
7012 reporting information relating to student progression;  
7013 requiring an annual report; repealing s. 1008.301, F.S.,  
7014 relating to a concordance study of FCAT equivalencies for  
7015 high school graduation; amending s. 1008.31, F.S.;  
7016 deleting provisions relating to performance-based funding;  
7017 revising goals and measures of the K-20 performance  
7018 accountability system and requiring data quality  
7019 improvement; providing for development of reporting and  
7020 data collection requirements; requiring adoption of rules;  
7021 amending s. 1008.33, F.S.; conforming provisions relating  
7022 to the designation of school grades and a cross reference;  
7023 authorizing district school boards to transfer teachers,  
7024 faculty, and staff as needed; amending s. 1008.34, F.S.;  
7025 revising terminology and provisions relating to  
7026 designation and determination of school grades; specifying  
7027 use of assessment data with respect to alternative  
7028 schools; defining the term "home school"; requiring an  
7029 annual school report card to be published by the  
7030 department and distributed by school districts; creating  
7031 s. 1008.341, F.S.; requiring improvement ratings for  
7032 certain alternative schools; providing the basis for such  
7033 ratings and requiring annual performance reports;  
7034 providing for determination of school improvement ratings,  
7035 identification of learning gains, and eligibility for  
7036 school recognition awards; requiring an annual report card  
7037 to be developed by the department and distributed by

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7038 school districts; requiring adoption of rules; amending s.  
7039 1008.345, F.S.; conforming provisions relating to the  
7040 designation of school grades and a cross reference;  
7041 amending s. 1008.36, F.S.; providing for assignment of  
7042 school grades to certain feeder pattern schools that do  
7043 not receive such a grade for purposes of participation in  
7044 the Florida School Recognition Program; defining feeder  
7045 school pattern; modifying procedures for determination and  
7046 use of school recognition awards; amending s. 1008.45,  
7047 F.S.; conforming provisions relating to the repeal of the  
7048 Council for Education Policy Research and Improvement;  
7049 repealing s. 1008.51, F.S., relating to the Council for  
7050 Education Policy Research and Improvement; amending s.  
7051 1011.62, F.S.; providing FTE funding for juveniles  
7052 enrolled in a specified education program; conforming  
7053 cross references and provisions relating to the  
7054 designation of school grades; establishing a research-  
7055 based reading instruction allocation to provide funds for  
7056 a comprehensive reading instruction system; requiring  
7057 school district plans for use of the allocation and  
7058 approval thereof; including the allocation in the total  
7059 amount allocated to each school district for current  
7060 operation; amending s. 1011.64, F.S.; conforming  
7061 terminology and cross references; amending s. 1011.685,  
7062 F.S.; conforming provisions relating to the repeal of the  
7063 BEST Florida Teaching salary career ladder program and  
7064 implementation of a differentiated-pay policy; amending s.

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7065 | 1011.71, F.S.; authorizing use of school board millage for  
7066 | payment of premiums for property and casualty insurance  
7067 | necessary to insure school district educational plants;  
7068 | limiting use of certain revenues; correcting a cross  
7069 | reference; amending s. 1012.21, F.S.; requiring the  
7070 | department to annually post online school district  
7071 | collective bargaining contracts; amending s. 1012.22,  
7072 | F.S.; deleting a requirement that each district school  
7073 | board adopt a performance-pay policy; requiring each  
7074 | district school board to annually provide its negotiated  
7075 | collective bargaining contract to the department;  
7076 | repealing s. 1012.231, F.S., relating to the BEST Florida  
7077 | Teaching salary career ladder program; creating s.  
7078 | 1012.2312, F.S.; requiring each district school board to  
7079 | adopt a differentiated-pay policy for instructional  
7080 | personnel; providing factors on which differentiated pay  
7081 | shall be based; creating s. 1012.2313, F.S.; requiring  
7082 | each district school board to have a differentiated-pay  
7083 | policy for school administrators; providing factors on  
7084 | which differentiated pay shall be based; creating s.  
7085 | 1012.2315, F.S.; providing school district requirements  
7086 | for the assignment of teachers and authorizing incentives;  
7087 | providing procedures for noncompliance; providing  
7088 | requirements relating to collective bargaining; amending  
7089 | s. 1012.27, F.S.; conforming provisions relating to the  
7090 | repeal of the BEST Florida Teaching salary career ladder  
7091 | program and implementation of a differentiated-pay policy;

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7092 | amending s. 1012.34, F.S.; conforming provisions relating  
7093 | to deletion of a rigorous reading requirement; creating s.  
7094 | 1012.986, F.S.; establishing the Golden Leadership Academy  
7095 | Program; providing program requirements, leadership  
7096 | designations, and delivery systems; requiring adoption of  
7097 | rules; repealing s. 1012.987, F.S., relating to rules for  
7098 | a leadership designation; amending s. 1013.512, F.S.;  
7099 | requiring the release of funds remaining in reserve  
7100 | relating to school district land acquisition and  
7101 | facilities operations; specifying when a Land Acquisition  
7102 | and Facilities Advisory Board shall be disbanded;  
7103 | establishing the Charter School Task Force and specifying  
7104 | composition and duties; requiring the department to  
7105 | provide staff support to the task force; providing  
7106 | severability; amending s. 20.15, F.S.; providing for  
7107 | appointment of a Deputy Commissioner of Career Education  
7108 | in the Department of Education; amending s. 446.032, F.S.;  
7109 | providing duties of the department relating to  
7110 | apprenticeship programs and services; repealing s.  
7111 | 446.609, F.S., relating to the Jobs for Florida's  
7112 | Graduates program; amending s. 464.019, F.S.; authorizing  
7113 | the Board of Nursing to change faculty-to-student ratios  
7114 | only under certain circumstances; requiring a study to  
7115 | evaluate rules regarding clinical instruction; providing  
7116 | for assistance to approved nursing programs to expand  
7117 | capacity; amending s. 464.0195, F.S.; requiring the  
7118 | Florida Center for Nursing to develop and maintain an

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7119 information system; requiring an implementation plan;  
7120 amending s. 1001.02, F.S.; revising State Board of  
7121 Education duties with respect to developing a  
7122 postsecondary enrollment plan; requiring State Board of  
7123 Education rules that address baccalaureate degree programs  
7124 at community colleges; amending s. 1001.20, F.S.; creating  
7125 the Office of Career Education in the Department of  
7126 Education and providing responsibilities of the office;  
7127 amending s. 1001.64, F.S.; providing that community  
7128 colleges that grant baccalaureate degrees remain under the  
7129 authority of the State Board of Education with respect to  
7130 specified responsibilities; providing that the board of  
7131 trustees is the governing board for purposes of granting  
7132 baccalaureate degrees; providing powers of the boards of  
7133 trustees, including the power to establish tuition and  
7134 out-of-state fees; providing restrictions; requiring such  
7135 boards to adopt a policy requiring teachers who teach  
7136 certain upper-division courses to teach a specified  
7137 minimum number of hours; amending s. 1002.23, F.S.;  
7138 requiring guidelines for parents relating to the  
7139 availability of the online student advising and guidance  
7140 system and additional educational opportunities; amending  
7141 s. 1003.492, F.S., relating to industry-certified career  
7142 education programs; deleting obsolete provisions relating  
7143 to studies; amending and renumbering s. 1004.85, F.S.;  
7144 providing additional purposes for creation of educator  
7145 preparation institutes; creating s. 1004.226, F.S.;

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7146 defining the term "center of excellence"; providing  
7147 purposes and objectives of centers of excellence;  
7148 providing for proposals for establishing or expanding  
7149 centers of excellence; requiring the State Board of  
7150 Education to develop a plan recommending the establishment  
7151 or expansion of centers of excellence; requiring  
7152 reporting; amending s. 1004.65, F.S.; including community  
7153 colleges approved to offer baccalaureate degree programs  
7154 under authority to operate; requiring such community  
7155 colleges to maintain their primary mission and prohibiting  
7156 them from terminating associate degree programs;  
7157 prohibiting a community college from offering graduate  
7158 programs; amending s. 1004.68, F.S.; authorizing the  
7159 continued awarding of degrees, diplomas, and certificates  
7160 by community colleges approved to offer baccalaureate  
7161 degree programs; creating s. 1006.01, F.S.; requiring the  
7162 department to provide a secondary and postsecondary  
7163 academic and career education online student advising and  
7164 guidance system; providing requirements for such system;  
7165 amending s. 1006.02, F.S.; requiring documentation that  
7166 students have utilized the online student advising and  
7167 guidance system; amending s. 1006.025, F.S.; requiring  
7168 such documentation in guidance reports; amending s.  
7169 1007.2615, F.S.; revising provisions relating to  
7170 certification of American Sign Language teachers; amending  
7171 s. 1007.271, F.S.; specifying that dual enrollment courses  
7172 are creditable toward high school graduation; providing

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7173 | for FTE calculation; conforming to law minimum academic  
7174 | credits required for graduation; clarifying requirements  
7175 | for participation of independent postsecondary  
7176 | institutions in a dual enrollment program; providing for  
7177 | fee exemption; amending s. 1007.33, F.S.; revising  
7178 | requirements for a proposal by a community college to  
7179 | deliver a baccalaureate degree program; requiring the  
7180 | State Board of Education to make proposals available for  
7181 | review and comment by other postsecondary educational  
7182 | institutions and authorizing alternative proposals;  
7183 | eliminating requirement for review and comment by the  
7184 | Council for Education Policy Research and Improvement;  
7185 | authorizing the State Board of Education to approve, deny,  
7186 | or require revisions to proposals; requiring periodic  
7187 | evaluation of approved programs; authorizing termination  
7188 | of funding for certain approved programs; requiring  
7189 | rulemaking; amending s. 1009.21, F.S.; revising provisions  
7190 | relating to determination of resident status for tuition  
7191 | purposes; providing for such determination for purpose of  
7192 | assessing tuition for instruction in workforce education  
7193 | programs offered by school districts; revising definitions  
7194 | and updating terminology; revising requirements for  
7195 | qualification as a resident; providing duties of  
7196 | institutions of higher education and school districts;  
7197 | providing for reclassification under certain  
7198 | circumstances; classifying as residents certain employees  
7199 | of international organizations; providing eligibility

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7200 criteria for certain students who are not permanent  
7201 residents of the United States for exemption from payment  
7202 of nonresident tuition; limiting enrollment and requiring  
7203 the department to administer the exemption program;  
7204 amending s. 1009.23, F.S.; providing guidelines and  
7205 restrictions for setting community college tuition and  
7206 out-of-state fees for upper-division courses; requiring  
7207 the State Board of Education to adopt a resident fee  
7208 schedule for baccalaureate degree programs offered by  
7209 community colleges; revising provisions relating to the  
7210 fee for capital improvements, technology enhancements, or  
7211 equipping student buildings and the use thereof; providing  
7212 requirements for the issuance and validation of bonds;  
7213 revising provisions relating to the allocation for child  
7214 care centers; amending s. 1009.24, F.S.; providing  
7215 responsibilities of the Legislature and state university  
7216 boards of trustees to establish tuition and fees;  
7217 providing restrictions; creating s. 1009.286, F.S.;  
7218 requiring students to pay 75 percent over the in-state  
7219 tuition rate for certain excess credit hours; restricting  
7220 certain credit hours for purpose of calculation; providing  
7221 for notice of requirements; amending s. 1009.40, F.S.;  
7222 providing general requirements for student eligibility for  
7223 tuition assistance grants; providing that certain students  
7224 are ineligible to receive more than one state-funded  
7225 tuition assistance grant; amending s. 1009.66, F.S.;  
7226 renaming the Nursing Student Loan Forgiveness Program and

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Amendment No. (for drafter's use only)

7227 transferring administration of the program to the  
7228 Department of Education; revising criteria for receiving  
7229 funds under the program and for repayment of loans;  
7230 requiring that certain nurses employed as faculty in an  
7231 approved nursing program be given priority in receiving  
7232 funds under the program; renaming the Nursing Student Loan  
7233 Forgiveness Trust Fund and transferring administration of  
7234 the trust fund to the Department of Education; authorizing  
7235 the adoption of rules; amending s. 1009.67, F.S.; renaming  
7236 the Nursing Scholarship Program and transferring  
7237 administration of the program to the Department of  
7238 Education; revising criteria for receiving funds under the  
7239 program; revising repayment provisions; requiring the  
7240 adoption of rules; creating s. 1009.895, F.S.; creating  
7241 the Florida Independent Collegiate Assistance Grant  
7242 Program; providing for program administration; authorizing  
7243 tuition assistance grants to certain postsecondary  
7244 education students enrolling in undergraduate degree  
7245 programs for specified occupations; providing institution  
7246 eligibility requirements; amending s. 1009.971, F.S.;  
7247 providing that the Florida Prepaid College Board shall  
7248 have the power to provide for the transfer of ownership of  
7249 an advance payment contract under the Florida Prepaid  
7250 College Program or a participation agreement under the  
7251 Florida College Savings Program upon inheritance, devise,  
7252 or bequest; providing procedures and requirements with  
7253 respect to such transfer of ownership; providing for

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Amendment No. (for drafter's use only)

7254 specification of application contents by rule; providing  
7255 applicability; amending ss. 1009.972, 1009.98, and  
7256 1009.981, F.S.; authorizing the transfer of funds retained  
7257 from terminated advance payment contracts, canceled  
7258 contracts, and terminated participation agreements to the  
7259 direct-support organization established under pt. IV of ch. 1009, F.S., for use by the  
7260 Florida Prepaid Tuition Scholarship Program and for children of specified members of  
7261 the armed forces of the United States who die while participating in the combat theater  
7262 of operations for Operation Iraqi Freedom or Operation Enduring Freedom; deleting  
7263 the requirement that an independent college or university  
7264 be a not-for-profit institution to be eligible for  
7265 transfer of benefits; providing a restriction on transfer  
7266 of benefits; amending s. 1011.62, F.S.; providing for FTE  
7267 calculation for dual enrollment instruction; amending s.  
7268 1011.83, F.S.; providing for funding of approved  
7269 baccalaureate programs at community colleges; providing  
7270 for use of funds and reporting requirements; creating pt.  
7271 VI of ch. 1011, F.S.; establishing the SUCCEED, FLORIDA!  
7272 Crucial Professionals Program; providing for the  
7273 appropriation of funds to the Department of Education to  
7274 be distributed on a competitive basis to postsecondary  
7275 educational institutions to offer programs that meet  
7276 critical workforce needs; providing for a request for  
7277 proposals and requirements of such proposals; requiring  
7278 establishment annually by the Legislature of a priority  
7279 list; providing for funding of proposals; providing  
7280 requirements for grant recipients and renewal grants;  
7281 establishing the SUCCEED, FLORIDA! Crucial Professionals

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7282 Nursing Education Grant Program, a contract grant program  
7283 for increasing the capacity of approved nursing programs;  
7284 requiring the Department of Education to establish  
7285 guidelines and procedures; specifying requirements for  
7286 grant proposals; establishing priorities for receipt of  
7287 grants; providing for review, approval, and funding of  
7288 proposals; requiring the State Board of Education to  
7289 submit a report on implementation status; establishing the  
7290 SUCCEED, FLORIDA! Career Paths Program to provide career  
7291 and professional academy startup grants; providing  
7292 qualification criteria; establishing the SUCCEED, FLORIDA!  
7293 Great Jobs Program; providing for the appropriation of  
7294 funds to the Department of Education to be distributed on  
7295 a competitive basis to postsecondary educational  
7296 institutions to produce graduates to enter certain  
7297 occupations in the state; providing for a request for  
7298 proposals and requirements of such proposals; requiring  
7299 establishment annually by the Legislature of a priority  
7300 list; providing for funding of proposals; providing  
7301 requirements for grant recipients; amending s. 1012.82,  
7302 F.S.; revising provisions relating to minimum contact  
7303 hours for community college faculty who teach upper-  
7304 division courses; amending s. 1013.60, F.S.; allowing  
7305 community college boards of trustees to request funding  
7306 for all authorized programs and specifying requirements;  
7307 requiring that enrollment in baccalaureate degree programs  
7308 be computed into the survey of need for facilities;

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7309 creating ch. 1014, F.S., relating to career education;  
7310 defining the term "career education"; providing elements  
7311 of the rigorous career education system; providing guiding  
7312 principles for career education; establishing the position  
7313 of Deputy Commissioner of Career Education to direct the  
7314 Office of Career Education in the Department of Education  
7315 and specifying qualifications for the deputy commissioner;  
7316 specifying responsibilities and duties; providing  
7317 legislative expectations and funding criteria for the  
7318 career education system; defining the term "career and  
7319 professional academy"; providing elements and duties of a  
7320 career and professional academy and for certification  
7321 thereof; requiring adoption of rules; amending s. 215.20,  
7322 F.S.; conforming provisions relating to a trust fund;  
7323 creating a program to offer discounted computers and  
7324 Internet access to public school students in grades 5  
7325 through 12; requiring the department to negotiate terms  
7326 with computer manufacturers, nonprofit corporations that  
7327 obtain reconditioned computer hardware, and broadband  
7328 Internet access providers; requiring the adoption of  
7329 rules; requiring the Digital Divide Council to implement a  
7330 pilot project to assist low-income students with  
7331 purchasing discounted computers and Internet access  
7332 services; providing for funding and authorizing the  
7333 council to accept grants to implement the pilot project;  
7334 requiring the Office of Program Policy Analysis and  
7335 Government Accountability to study implementation of

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Amendment No. (for drafter's use only)

7336 career and professional academies and make  
7337 recommendations; requiring a study and report by the  
7338 Office of Program Policy Analysis and Government  
7339 Accountability relating to student progression in state  
7340 universities; requiring the department to identify  
7341 specified examinations for earning postsecondary credit  
7342 for mastery of nursing course material; requiring a status  
7343 report; providing for a type two transfer with respect to  
7344 nursing loan programs; requiring the convening of a  
7345 workgroup to make recommendations regarding bachelor of  
7346 applied science degree programs; requiring a report;  
7347 approving a transfer of an endowment from the Appleton  
7348 Cultural Center, Inc., to the Central Florida Community  
7349 College Foundation; providing restrictions on the  
7350 management of the endowment; releasing the foundation from  
7351 a trust agreement and statutory requirements; amending s.  
7352 1002.39, F.S., relating to the John M. McKay Scholarships  
7353 for Students with Disabilities Program; revising  
7354 definition of the term "students with disabilities";  
7355 revising student eligibility requirements for receipt of a  
7356 scholarship and restricting eligibility therefor;  
7357 providing for term of a scholarship; revising and adding  
7358 school district obligations and clarifying parental  
7359 options; revising and adding Department of Education  
7360 obligations, including verification of eligibility of  
7361 private schools and establishment of a process for  
7362 notification of violations, subsequent investigation, and

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Amendment No. (for drafter's use only)

7363 certification of compliance by private schools; providing  
7364 Commissioner of Education authority and obligations,  
7365 including the denial, suspension, or revocation of a  
7366 private school's participation in the scholarship program  
7367 and procedures and timelines therefor; revising private  
7368 school eligibility and obligations, including compliance  
7369 with specified laws and academic accountability to the  
7370 parent; revising parent and student responsibilities for  
7371 scholarship program participation; prohibiting a private  
7372 school from acting as attorney in fact to sign a  
7373 scholarship warrant; revising provisions relating to  
7374 scholarship funding and payment; providing funding and  
7375 payment requirements for former Florida School for the  
7376 Deaf and the Blind students and for students exiting a  
7377 Department of Juvenile Justice program; providing  
7378 Department of Financial Services obligations; providing  
7379 scope of authority; requiring adoption of rules; amending  
7380 s. 220.187, F.S., relating to credits for contributions to  
7381 nonprofit scholarship-funding organizations; revising and  
7382 providing definitions; naming the scholarship program;  
7383 providing student eligibility requirements for receipt of  
7384 a corporate income tax credit scholarship and restricting  
7385 eligibility therefor; revising provisions relating to tax  
7386 credit for small businesses; providing for rescindment of  
7387 tax credit allocation; revising and adding obligations of  
7388 eligible nonprofit scholarship-funding organizations,  
7389 including compliance with requirements for background

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7390 checks, scholarship-funding organization ownership or  
7391 operation, audits, and reports; requiring certain  
7392 information to remain confidential in accordance with s.  
7393 213.053, F.S.; revising and adding parent and student  
7394 responsibilities for scholarship program participation,  
7395 including compliance with private school's published  
7396 policies, participation in student academic assessment,  
7397 and restrictive endorsement of scholarship warrants or  
7398 checks; prohibiting power of attorney for endorsing a  
7399 scholarship warrant or check; revising and adding private  
7400 school eligibility requirements and obligations, including  
7401 compliance with specified laws and academic accountability  
7402 to the parent; revising and adding Department of Education  
7403 obligations, including verification of eligibility of  
7404 program participants, establishment of a process for  
7405 notification of violations, subsequent investigation, and  
7406 certification of compliance by private schools, and  
7407 selection of a research organization to analyze student  
7408 performance data; providing Commissioner of Education  
7409 authority and obligations, including the denial,  
7410 suspension, or revocation of a private school's  
7411 participation in the scholarship program and procedures  
7412 and timelines therefor; revising and adding provisions  
7413 relating to scholarship funding and payment, including the  
7414 amount of a scholarship and the payment process; requiring  
7415 adoption of rules; creating s. 1002.421, F.S., relating to  
7416 rights and obligations of private schools participating in

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7417 state school choice scholarship programs; providing  
7418 requirements for participation in a scholarship program,  
7419 including compliance with specified state, local, and  
7420 federal laws and demonstration of fiscal soundness;  
7421 requiring restrictive endorsement of checks and  
7422 prohibiting a school from acting as attorney in fact;  
7423 requiring employment of qualified teachers and background  
7424 screening of individuals with direct student contact;  
7425 providing scope of authority; requiring adoption of rules;  
7426 the Department of Education to evaluate the extent to  
7427 which the Sunshine State Standards in the arts are being  
7428 taught; requiring a report to the Governor and the  
7429 Legislature; amending s. 1003.455, F.S.; requiring each  
7430 school district to submit a copy of its wellness policy to  
7431 the Department of Education; requiring the department to  
7432 post each policy on its website; encouraging each school  
7433 district to review its level of participation and evaluate  
7434 the success of its wellness programs; encouraging school  
7435 districts to solicit public input regarding their policies  
7436 on nutritional offerings and wellness plans; requiring  
7437 certain public high schools to have a defibrillator on the  
7438 school grounds; encouraging public and private  
7439 partnerships to cover the costs associated with the  
7440 defibrillator; encouraging school boards to review  
7441 research with regard to how physical movement can enhance  
7442 learning in academic subjects; requiring certain content  
7443 to be included in staff development of physical education

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7444 and arts instructors; amending s. 411.01, F.S.; providing  
7445 that specified counties continue to operate as an  
7446 independent early learning coalition for certain purposes;  
7447 amending s. 1006.20, F.S.; requiring the Florida High  
7448 School Athletic Association to adopt bylaws relating to  
7449 steroid use and the adherence to a coaches code of ethics;  
7450 requiring development of such code; requiring the Florida  
7451 High School Athletic Association to make recommendations  
7452 for a pilot drug testing program to test for performance-  
7453 enhancing drugs; amending s. 287.055, F.S.; including  
7454 regional consortium service organizations under provisions  
7455 relating to procurement and competitive selection of  
7456 certain professional services; amending 1001.453, F.S.;  
7457 revising definition of direct-support organization to  
7458 include a regional consortium service organization direct-  
7459 support organization; authorizing use of property and  
7460 requiring rules; providing for approval of a board of  
7461 directors and requiring audits; amending s. 1010.09, F.S.;  
7462 conforming a provision relating to direct-support  
7463 organizations; amending s. 1011.765, F.S.; providing that  
7464 the Florida Academic Improvement Trust Fund shall be  
7465 utilized to provide matching grants to regional consortium  
7466 service organization education foundations; amending s.  
7467 401.107, F.S.; defining the terms "youth athletic  
7468 organization" and "automated external defibrillator  
7469 device"; amending s. 401.111, F.S.; providing for grants  
7470 to local agencies, emergency medical services

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7471 organizations, and youth athletic organizations to expand  
7472 the use of automated external defibrillator devices;  
7473 amending s. 401.113, F.S.; providing for disbursement of  
7474 funds from the Emergency Medical Services Trust Fund;  
7475 requiring the Department of Health to implement an  
7476 educational campaign to inform the public about the lack  
7477 of immunity from liability regarding the use of automated  
7478 external defibrillator devices under certain conditions;  
7479 providing for purchase of an electronic fingerprint  
7480 scanner for purposes of background screening for certain  
7481 private school employees; providing an effective date.

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