

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 **Substitute Amendment for Amendment (628337) (with title**
5 **amendment)**

6 Remove everything after the enacting clause and insert:

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

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

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

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

14 Section 2. Paragraph (a) of subsection (5) of section
15 1000.01, Florida Statutes, is amended to read:

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

18 (5) EDUCATION GOVERNANCE TRANSFERS.--

19 (a) Effective July 1, 2001:

20 1. The Board of Regents is abolished.

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

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

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

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

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

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

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

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

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

50 1001.03 Specific powers of State Board of Education.--

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

63 Section 4. Paragraph (a) of subsection (2) of section  
64 1001.11, Florida Statutes, is amended to read:

65 1001.11 Commissioner of Education; other duties.--

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

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

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

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

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

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

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

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96       (4) Provide technical assistance to school districts in  
97 the development and implementation of district plans for use of  
98 the research-based reading instruction allocation provided in s.  
99 1011.62(8) and annually review and approve such plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

255 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

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

269 Section 8. Subsection (2) and paragraphs (a) and (b) of  
270 subsection (3) of section 1002.38, Florida Statutes, are amended  
271 to read:

272 1002.38 Opportunity Scholarship Program.--

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

278 (a)1. By assigned school attendance area or by special  
279 assignment, the student has spent the prior school year in  
280 attendance at a public school that has been designated pursuant  
281 to s. 1008.34 with a ~~as performance~~ grade of category "F,"  
282 failing to make adequate progress, and that has had 2 school  
283 years in a 4-year period of such low performance, and the

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284 student's attendance occurred during a school year in which such  
285 designation was in effect;

286 2. The student has been in attendance elsewhere in the  
287 public school system and has been assigned to such school for  
288 the next school year; or

289 3. The student is entering kindergarten or first grade and  
290 has been notified that the student has been assigned to such  
291 school for the next school year.

292 (b) The parent has obtained acceptance for admission of  
293 the student to a private school eligible for the program  
294 pursuant to subsection (4), and has notified the Department of  
295 Education and the school district of the request for an  
296 opportunity scholarship no later than August ~~July~~ 1 of the first  
297 year in which the student intends to use the scholarship.

298  
299 The provisions of this section shall not apply to a student who  
300 is enrolled in a school operating for the purpose of providing  
301 educational services to youth in Department of Juvenile Justice  
302 commitment programs. For purposes of continuity of educational  
303 choice, the opportunity scholarship shall remain in force until  
304 the student returns to a public school or, if the student  
305 chooses to attend a private school the highest grade of which is  
306 grade 8, until the student matriculates to high school and the  
307 public high school to which the student is assigned is an  
308 accredited school with a ~~performance grade category designation~~  
309 of "C" or better. However, at any time upon reasonable notice to  
310 the Department of Education and the school district, the

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311 student's parent may remove the student from the private school  
312 and place the student in a public school, as provided in  
313 subparagraph (3)(a)2.

314 (3) SCHOOL DISTRICT OBLIGATIONS.--

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

319 1. Timely notify the parent of the student as soon as such  
320 designation is made of all options available pursuant to this  
321 section.

322 2. Offer that student's parent an opportunity to enroll  
323 the student in the public school within the district that has  
324 been designated by the state pursuant to s. 1008.34 as a school  
325 performing higher than that in which the student is currently  
326 enrolled or to which the student has been assigned, but not less  
327 than ~~performance~~ grade ~~category~~ "C." The parent is not required  
328 to accept this offer in lieu of requesting a state opportunity  
329 scholarship to a private school. The opportunity to continue  
330 attending the higher performing public school shall remain in  
331 force until the student graduates from high school.

332 (b) The parent of a student enrolled in or assigned to a  
333 school that has been designated with a ~~performance~~ grade of  
334 ~~category~~ "F" for 2 school years in a 4-year period may choose as  
335 an alternative to enroll the student in and transport the  
336 student to a higher-performing public school that has available  
337 space in an adjacent school district, and that school district

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338 shall accept the student and report the student for purposes of  
339 the district's funding pursuant to the Florida Education Finance  
340 Program.

341 Section 9. Paragraph (b) of subsection (3) of section  
342 1003.01, Florida Statutes, is amended to read:

343 1003.01 Definitions.--As used in this chapter, the term:

344 (3)

345 (b) "Special education services" means specially designed  
346 instruction and such related services as are necessary for an  
347 exceptional student to benefit from education. Such services may  
348 include: transportation; diagnostic and evaluation services;  
349 social services; physical and occupational therapy; speech and  
350 language pathology services; job placement; orientation and  
351 mobility training; braillists, typists, and readers for the  
352 blind; interpreters and auditory amplification; rehabilitation  
353 counseling; transition services; mental health services;  
354 guidance and career counseling; specified materials, assistive  
355 technology devices, and other specialized equipment; and other  
356 such services as approved by rules of the state board.

357 Section 10. Paragraph (b) of subsection (2) of section  
358 1003.03, Florida Statutes, is amended to read:

359 1003.03 Maximum class size.--

360 (2) IMPLEMENTATION.--

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

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

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

369 3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
370 the calculation for compliance shall be at the individual  
371 classroom level.

372 Section 11. Subsection (3) of section 1003.05, Florida  
373 Statutes, is amended to read:

374 1003.05 Assistance to transitioning students from military  
375 families.--

376 (3) Dependent children of active duty military personnel  
377 who otherwise meet the eligibility criteria for special academic  
378 programs offered through public schools shall be given first  
379 preference for admission to such programs even if the program is  
380 being offered through a public school other than the school to  
381 which the student would generally be assigned ~~and the school at~~  
382 ~~which the program is being offered has reached its maximum~~  
383 ~~enrollment~~. If such a program is offered through a public school  
384 other than the school to which the student would generally be  
385 assigned, the parent or guardian of the student must assume  
386 responsibility for transporting the student to that school. For  
387 purposes of this subsection, special academic programs include  
388 ~~charter schools~~, magnet schools, advanced studies programs,

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389 advanced placement, dual enrollment, and International  
390 Baccalaureate.

391 Section 12. Section 1003.413, Florida Statutes, is created  
392 to read:

393 1003.413 High school reform.--

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

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

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

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

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

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

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

420 (2) The Commissioner of Education shall create and  
421 implement the Challenge High School Recognition Program to  
422 reward public high schools that demonstrate continuous academic  
423 improvement and show the greatest gains in student academic  
424 achievement in reading and mathematics.

425 Section 13. High School Reform Task Force.--

426 (1) There is created the High School Reform Task Force.  
427 The task force shall work in conjunction with the Southern  
428 Regional Education Board and the International Center for  
429 Leadership in Education and shall be administratively supported  
430 by the office of the Chancellor for K-12 Public Schools in the  
431 Department of Education and the Just Read, Florida! Office.  
432 Appointments to the task force shall be coordinated to ensure  
433 that the membership reflects the geographic and cultural  
434 diversity of Florida's school age population. The task force  
435 shall be abolished upon submission of its recommendations.

436 (2)(a) The Governor shall appoint members of the task  
437 force from the following categories and shall appoint the chair  
438 of the task force from its membership:

439 1. Two representatives of public school districts, who may  
440 be principals, district school board members, or school

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441 superintendents, at least one of whom works in or with a school  
442 with a school grade of "F."

443 2. One high school teacher who teaches in a high school  
444 with a school grade of "F."

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

448 4. One high school student.

449 5. One teacher or administrator from a charter high  
450 school.

451 6. Two private school teachers or administrators from any  
452 registered Florida private school with students in grades 9-12  
453 regardless of whether the school is nonsectarian, sectarian, not  
454 for profit, or for profit.

455 7. One representative of the business community.

456 (b) The Speaker of the House of Representatives shall  
457 appoint one member of the House of Representatives to serve on  
458 the task force and the President of the Senate shall appoint one  
459 member of the Senate to serve on the task force.

460 (3) Not later than January 1, 2006, the task force shall  
461 vote to recommend to the Speaker of the House of  
462 Representatives, the President of the Senate, and the Governor a  
463 long-term plan for revisions to statutes, rules, and policies  
464 that will improve Florida's grade 9 retention rate, graduation  
465 rate, dropout rate, and college remediation rate and align high  
466 school requirements with the needs of Florida's employers and  
467 postsecondary educational institution requirements. The plan

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468 must be programmatically and fiscally responsible, feasible, and  
469 implementable. The plan must address, but is not limited to  
470 addressing: graduation requirements; effective use of  
471 accelerated high school graduation options pursuant to s.  
472 1003.429; course redesign; remediation strategies; credit  
473 recovery; use of alternative programs, including programs that  
474 emphasize applied integrated curricula, small learning  
475 communities, support services, or increased discipline; use of  
476 technology; adjustments to the school grading system to reflect  
477 learning gains by high school students; middle school systemic  
478 alignment; transition from middle school to high school;  
479 alignment with postsecondary and workforce education  
480 requirements; and alignment with employer expectations.

481 Section 14. Section 1003.415, Florida Statutes, is amended  
482 to read:

483 1003.415 The Middle Grades Reform Act.--

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

486 (2) PURPOSE AND INTENT.--

487 (a) The purpose of this section is to provide added focus  
488 and rigor to academics in the middle grades. Using reading as  
489 the foundation, all middle grade students should receive  
490 rigorous academic instruction through challenging curricula  
491 delivered by highly qualified teachers in schools with  
492 outstanding leadership, which schools are supported by engaged  
493 and informed parents.

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494        (b) It is the intent of the Legislature that students  
495 promoted from the eighth grade will have the necessary reading  
496 and mathematics skills to be ready for success in high school.  
497 The mission of middle grades is to prepare students to graduate  
498 from high school.

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

501        (4) CURRICULA AND COURSES.--The Department of Education  
502 shall review course offerings, teacher qualifications,  
503 instructional materials, and teaching practices used in reading  
504 and language arts programs in the middle grades. The department  
505 must consult with the Florida Center for Reading Research at  
506 Florida State University, the Just Read, Florida! Office,  
507 reading researchers, reading specialists, and district  
508 supervisors of curriculum in the development of findings and  
509 recommendations. The Commissioner of Education shall make  
510 recommendations to the State Board of Education regarding  
511 changes to reading and language arts curricula in the middle  
512 grades based on research-based proven effective programs. The  
513 State Board of Education shall adopt rules based upon the  
514 commissioner's recommendations no later than March 1, 2005.  
515 Implementation of new or revised reading and language arts  
516 courses in all middle grades shall be phased in beginning no  
517 later than the 2005-2006 school year with completion no later  
518 than the 2008-2009 school year.

519        ~~(5) RIGOROUS READING REQUIREMENT.~~

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520       ~~(a) Beginning with the 2004-2005 school year, each public~~  
521 ~~school serving middle grade students, including charter schools,~~  
522 ~~with fewer than 75 percent of its students reading at or above~~  
523 ~~grade level in grade 6, grade 7, or grade 8 as measured by a~~  
524 ~~student scoring at Level 3 or above on the FCAT during the prior~~  
525 ~~school year, must incorporate by October 1 a rigorous reading~~  
526 ~~requirement for reading and language arts programs as the~~  
527 ~~primary component of its school improvement plan. The department~~  
528 ~~shall annually provide to each district school board by June 30~~  
529 ~~a list of its schools that are required to incorporate a~~  
530 ~~rigorous reading requirement as the primary component of the~~  
531 ~~school's improvement plan. The department shall provide~~  
532 ~~technical assistance to school districts and school~~  
533 ~~administrators required to implement the rigorous reading~~  
534 ~~requirement.~~

535       ~~(b) The purpose of the rigorous reading requirement is to~~  
536 ~~assist each student who is not reading at or above grade level~~  
537 ~~to do so before entering high school. The rigorous reading~~  
538 ~~requirement must include for a middle school's low-performing~~  
539 ~~student population specific areas that address phonemic~~  
540 ~~awareness, phonics, fluency, comprehension, and vocabulary; the~~  
541 ~~desired levels of performance in those areas; and the~~  
542 ~~instructional and support services to be provided to meet the~~  
543 ~~desired levels of performance. The school shall use research-~~  
544 ~~based reading activities that have been shown to be successful~~  
545 ~~in teaching reading to low-performing students.~~

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546 ~~(c) Schools required to implement the rigorous reading~~  
547 ~~requirement must provide quarterly reports to the district~~  
548 ~~school superintendent on the progress of students toward~~  
549 ~~increased reading achievement.~~

550 ~~(d) The results of implementation of a school's rigorous~~  
551 ~~reading requirement shall be used as part of the annual~~  
552 ~~evaluation of the school's instructional personnel and school~~  
553 ~~administrators as required in s. 1012.34.~~

554 ~~(6) COMPREHENSIVE REFORM STUDY ON THE ACADEMIC PERFORMANCE~~  
555 ~~OF STUDENTS AND SCHOOLS.—~~

556 ~~(a) The department shall conduct a study on how the~~  
557 ~~overall academic performance of middle grade students and~~  
558 ~~schools can be improved. The department must consult with the~~  
559 ~~Florida Center for Reading Research at Florida State University,~~  
560 ~~the Just Read, Florida! Office, and key education stakeholders,~~  
561 ~~including district school board members, district school~~  
562 ~~superintendents, principals, parents, teachers, district~~  
563 ~~supervisors of curriculum, and students across the state, in the~~  
564 ~~development of its findings and recommendations. The department~~  
565 ~~shall review, at a minimum, each of the following elements:~~

566 ~~1. Academic expectations, which include, but are not~~  
567 ~~limited to:~~

568 ~~a. Alignment of middle school expectations with elementary~~  
569 ~~and high school graduation requirements.~~

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

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- 573 ~~e. Strategies that focus on improving academic success for~~  
574 ~~low performing students.~~
- 575 ~~d. Rigor of curricula and courses.~~
- 576 ~~e. Instructional materials.~~
- 577 ~~f. Course enrollment by middle school students.~~
- 578 ~~g. Student support services.~~
- 579 ~~h. Measurement and reporting of student achievement.~~
- 580 ~~2. Attendance policies and student mobility issues.~~
- 581 ~~3. Teacher quality, which includes, but is not limited to:~~
- 582 ~~a. Preparedness of teachers to teach rigorous courses to~~  
583 ~~middle school students.~~
- 584 ~~b. Teacher evaluations.~~
- 585 ~~e. Substitute teachers.~~
- 586 ~~d. Certification and recertification requirements.~~
- 587 ~~e. Staff development requirements.~~
- 588 ~~f. Availability of effective staff development training.~~
- 589 ~~g. Teacher recruitment and vacancy issues.~~
- 590 ~~h. Federal requirements for highly qualified teachers~~  
591 ~~pursuant to the No Child Left Behind Act of 2001.~~
- 592 ~~4. Identification and availability of diagnostic testing.~~
- 593 ~~5. Availability of personnel and scheduling issues.~~
- 594 ~~6. Middle school leadership and performance.~~
- 595 ~~7. Parental and community involvement.~~
- 596 ~~(b) By December 1, 2004, the Commissioner of Education~~  
597 ~~shall submit to the President of the Senate, the Speaker of the~~  
598 ~~House of Representatives, the chairs of the education committees~~  
599 ~~in the Senate and the House of Representatives, and the State~~

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600 ~~Board of Education recommendations to increase the academic~~  
601 ~~performance of middle grade students and schools.~~

602 ~~(5)(7)~~ PERSONALIZED MIDDLE SCHOOL SUCCESS PLAN.--

603 (a) ~~Beginning with the 2004-2005 school year,~~ Each  
604 principal of a school with a middle grade shall designate  
605 certified staff members at the school to develop and administer  
606 a personalized middle school success plan for each entering  
607 sixth grade student who scored below Level 3 in reading on the  
608 most recently administered FCAT. The purpose of the success plan  
609 is to assist the student in meeting state and school district  
610 expectations in academic proficiency and to prepare the student  
611 for a rigorous high school curriculum. The success plan shall be  
612 developed in collaboration with the student and his or her  
613 parent and must be implemented until the student completes the  
614 eighth grade or achieves a score at Level 3 or above in reading  
615 on the FCAT, whichever occurs first. The success plan must  
616 minimize paperwork and may be incorporated into a parent/teacher  
617 conference, included as part of a progress report or report  
618 card, included as part of a general orientation at the beginning  
619 of the school year, or provided by electronic mail or other  
620 written correspondence.

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

622 1. Identify educational goals and intermediate benchmarks  
623 for the student in the core curriculum areas which will prepare  
624 the student for high school.

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

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627           3. Include academic intervention strategies with frequent  
628 progress monitoring.

629           4. Provide innovative methods to promote the student's  
630 advancement which may include, but not be limited to, flexible  
631 scheduling, tutoring, focus on core curricula, online  
632 instruction, an alternative learning environment, or other  
633 interventions that have been shown to accelerate the learning  
634 process.

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

640           (d) The Department of Education shall provide technical  
641 assistance for districts, school administrators, and  
642 instructional personnel regarding the development of  
643 personalized middle school success plans. The assistance shall  
644 include strategies and techniques designed to maximize  
645 interaction between students, parents, teachers, and other  
646 instructional and administrative staff while minimizing  
647 paperwork.

648           ~~(6)~~~~(8)~~ STATE BOARD OF EDUCATION AUTHORITY.--

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

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652 (b) The State Board of Education shall have authority  
653 pursuant to s. 1008.32 to enforce the provisions of this  
654 section.

655 Section 15. Section 1003.4155, Florida Statutes, is  
656 created to read:

657 1003.4155 Middle school grading system.--The grading  
658 system and interpretation of letter grades used in grades 6  
659 through 8 shall be as follows:

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

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

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

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

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

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

677 Section 16. Section 1003.4156, Florida Statutes, is  
678 created to read:

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679 1003.4156 General requirements for middle school  
680 promotion.--

681 (1) Beginning with students entering grade 6 in the 2005-  
682 2006 school year, promotion from a middle school with grades 6  
683 through 8 requires that:

684 (a) A student must successfully complete 12 academic  
685 credits as follows:

686 1. Three middle school or higher credits in  
687 English/language arts.

688 2. Three middle school or higher credits in mathematics.

689 3. Two middle school or higher credits in social studies.

690 4. Two middle school or higher credits in science.

691 5. Two middle school or higher credits in elective  
692 courses.

693 (b) For each year in which a student scores at Level 1 or  
694 Level 2 on FCAT Reading, the student must the following year be  
695 enrolled in and complete a full-year intensive reading course  
696 for which the student may earn up to one elective credit per  
697 year. Students scoring at Level 3 or Level 4 on FCAT Reading may  
698 be enrolled, with parental permission, in a full-year intensive  
699 reading course for which the student may earn up to two elective  
700 credits during middle school. Reading courses shall be designed  
701 and offered pursuant to the reading instruction plan required by  
702 s. 1011.62(8).

703 (2) One full credit means a minimum of 135 hours of  
704 instruction in a designated course of study that contains  
705 student performance standards. For schools authorized by the

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706 district school board to implement block scheduling, one full  
707 credit means a minimum of 120 hours of instruction in a  
708 designated course of study that contains student performance  
709 standards.

710 (3) District school boards shall establish policies to  
711 implement the requirements of this section. The policies may  
712 allow alternative methods for students to earn the credits  
713 required by this section. School districts shall emphasize  
714 alternative programs for students scoring at Level 1 on FCAT  
715 Reading who have been retained in elementary school. The  
716 alternatives may include, but are not limited to, opportunities  
717 for students to:

718 (a) Recover credits.

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

720 (c) Be placed in programs that emphasize applied  
721 integrated curricula, small learning communities, support  
722 services, increased discipline, or other strategies documented  
723 to improve student achievement.

724  
725 The school district's policy shall be submitted to the State  
726 Board of Education for approval. The school district's policy  
727 shall be automatically approved unless specifically rejected by  
728 the State Board of Education within 60 days after receipt.

729 (4) The State Board of Education shall adopt rules  
730 pursuant to ss. 120.536(1) and 120.54 to provide for alternative  
731 middle school promotion standards for students in grade 6, grade

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732 7, or grade 8, including students who are not enrolled in  
733 schools with a grade 6 through 8 middle school configuration.

734 Section 17. Subsection (2) of section 1003.42, Florida  
735 Statutes, is amended to read:

736 1003.42 Required instruction.--

737 (2) All members of the instructional staff of the public  
738 schools, subject to the rules of the State Board of Education  
739 and the district school board, shall teach efficiently and  
740 faithfully, using the books and materials required that meet the  
741 highest standards for professionalism and historic accuracy,  
742 following the prescribed courses of study, and employing  
743 approved methods of instruction, the following:

744 (a) The history and content of the Declaration of  
745 Independence as written, including national sovereignty, natural  
746 law, self-evident truth, equality of all persons, limited  
747 government, popular sovereignty, and God-given, inalienable  
748 rights of life, liberty, and property, and how they form ~~it~~  
749 forms the philosophical foundation of our government.

750 (b) The history, meaning, significance, and effect of the  
751 provisions of the Constitution of the United States and  
752 amendments thereto with emphasis on each of the 10 amendments  
753 that make up the Bill of Rights and how the Constitution  
754 provides the structure of our government.

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

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

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759 ~~(c) The essentials of the United States Constitution and~~  
760 ~~how it provides the structure of our government.~~

761 (e)(d) Flag education, including proper flag display and  
762 flag salute.

763 (f)(e) The elements of United States civil government,  
764 including the primary functions of and interrelationships  
765 between the Federal Government, the state, and its counties,  
766 municipalities, school districts, and special districts.

767 (g) The history of the United States, including the period  
768 of discovery, early colonies, the War for Independence, the  
769 Civil War, Reconstruction, the expansion of the United States to  
770 its present boundaries, the world wars, and the Civil Rights  
771 Movement to the present. The history of the United States should  
772 be taught in a factual manner based on genuine history. The  
773 curriculum should include instruction on the universal  
774 principles stated in the United States Constitution and the  
775 Declaration of Independence.

776 (h)(f) The history of the Holocaust (1933-1945), the  
777 systematic, planned annihilation of European Jews and other  
778 groups by Nazi Germany, a watershed event in the history of  
779 humanity, to be taught in a manner that leads to an  
780 investigation of human behavior, an understanding of the  
781 ramifications of prejudice, racism, and stereotyping, and an  
782 examination of what it means to be a responsible and respectful  
783 person, for the purposes of encouraging tolerance of diversity  
784 in a pluralistic society and for nurturing and protecting  
785 democratic values and institutions.

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786        (i)~~(g)~~ The history of African Americans, including the  
787 history of African peoples before the political conflicts that  
788 led to the development of slavery, the passage to America, the  
789 enslavement experience, abolition, and the contributions of  
790 African Americans to society.

791        (j)~~(h)~~ The elementary principles of agriculture.

792        (k)~~(i)~~ The true effects of all alcoholic and intoxicating  
793 liquors and beverages and narcotics upon the human body and  
794 mind.

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

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

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

798        (n)~~(m)~~ Comprehensive health education that addresses  
799 concepts of community health; consumer health; environmental  
800 health; family life, including an awareness of the benefits of  
801 sexual abstinence as the expected standard and the consequences  
802 of teenage pregnancy; ~~mental and emotional health;~~ injury  
803 prevention and safety; nutrition; personal health; prevention  
804 and control of disease; and substance use and abuse.

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

809        (p)~~(o)~~ The study of Hispanic contributions to the United  
810 States.

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

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

815 (s)~~(g)~~ A character-development program in the elementary  
816 schools, similar to Character First or Character Counts, which  
817 is secular in nature ~~and stresses such character qualities as~~  
818 ~~attentiveness, patience, and initiative.~~ Beginning in school  
819 year 2004-2005, the character-development program shall be  
820 required in kindergarten through grade 12. Each district school  
821 board shall develop or adopt a curriculum for the character-  
822 development program that shall be submitted to the department  
823 for approval. The character-development curriculum shall stress  
824 the qualities of patriotism; responsibility; citizenship; the  
825 Golden Rule; kindness; respect for authority, human life,  
826 liberty, and personal property; honesty; charity; self-  
827 control; racial, ethnic, and religious tolerance; and  
828 cooperation.

829 (t)~~(r)~~ In order to encourage patriotism, the sacrifices  
830 that veterans have made in serving our country and protecting  
831 democratic values worldwide. Such instruction must occur on or  
832 before Veterans' Day and Memorial Day. Members of the  
833 instructional staff are encouraged to use the assistance of  
834 local veterans when practicable.

835 Section 18. Paragraph (g) of subsection (1) of section  
836 1003.43, Florida Statutes, is amended to read:

837 1003.43 General requirements for high school graduation.--

838 (1) Graduation requires successful completion of either a  
839 minimum of 24 academic credits in grades 9 through 12 or an

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840 International Baccalaureate curriculum. The 24 credits shall be  
841 distributed as follows:

842 (g) One-half credit in American government, including  
843 study of the Declaration of Independence and the Constitution of  
844 the United States. For students entering the 9th grade in the  
845 1997-1998 school year and thereafter, the study of Florida  
846 government, including study of the State Constitution, the three  
847 branches of state government, and municipal and county  
848 government, shall be included as part of the required study of  
849 American government.

850  
851 District school boards may award a maximum of one-half credit in  
852 social studies and one-half elective credit for student  
853 completion of nonpaid voluntary community or school service  
854 work. Students choosing this option must complete a minimum of  
855 75 hours of service in order to earn the one-half credit in  
856 either category of instruction. Credit may not be earned for  
857 service provided as a result of court action. District school  
858 boards that approve the award of credit for student volunteer  
859 service shall develop guidelines regarding the award of the  
860 credit, and school principals are responsible for approving  
861 specific volunteer activities. A course designated in the Course  
862 Code Directory as grade 9 through grade 12 that is taken below  
863 the 9th grade may be used to satisfy high school graduation  
864 requirements or Florida Academic Scholars award requirements as  
865 specified in a district school board's student progression plan.  
866 A student shall be granted credit toward meeting the

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867 requirements of this subsection for equivalent courses, as  
868 identified pursuant to s. 1007.271(6), taken through dual  
869 enrollment.

870 Section 19. Section 1003.57, Florida Statutes, is amended  
871 to read:

872 1003.57 Exceptional students instruction.--

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

877 (a)~~(1)~~ The district school board provide the necessary  
878 professional services for diagnosis and evaluation of  
879 exceptional students.

880 (b)~~(2)~~ The district school board provide the special  
881 instruction, classes, and services, either within the district  
882 school system, in cooperation with other district school  
883 systems, or through contractual arrangements with approved  
884 private schools or community facilities that meet standards  
885 established by the commissioner.

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

890 (d)~~(4)~~ The district school board, once every 3 years,  
891 submit to the department its proposed procedures for the  
892 provision of special instruction and services for exceptional  
893 students.

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894        ~~(e)(5)~~ No student be given special instruction or services  
895 as an exceptional student until after he or she has been  
896 properly evaluated, classified, and placed in the manner  
897 prescribed by rules of the State Board of Education. The parent  
898 of an exceptional student evaluated and placed or denied  
899 placement in a program of special education shall be notified of  
900 each such evaluation and placement or denial. Such notice shall  
901 contain a statement informing the parent that he or she is  
902 entitled to a due process hearing on the identification,  
903 evaluation, and placement, or lack thereof. Such hearings shall  
904 be exempt from the provisions of ss. 120.569, 120.57, and  
905 286.011, except to the extent that the State Board of Education  
906 adopts rules establishing other procedures and any records  
907 created as a result of such hearings shall be confidential and  
908 exempt from the provisions of s. 119.07(1). The hearing must be  
909 conducted by an administrative law judge from the Division of  
910 Administrative Hearings of the Department of Management  
911 Services. The decision of the administrative law judge shall be  
912 final, except that any party aggrieved by the finding and  
913 decision rendered by the administrative law judge shall have the  
914 right to bring a civil action in the circuit court. In such an  
915 action, the court shall receive the records of the  
916 administrative hearing and shall hear additional evidence at the  
917 request of either party. In the alternative, any party aggrieved  
918 by the finding and decision rendered by the administrative law  
919 judge shall have the right to request an impartial review of the  
920 administrative law judge's order by the district court of appeal

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921 as provided by s. 120.68. Notwithstanding any law to the  
922 contrary, during the pendency of any proceeding conducted  
923 pursuant to this section, unless the district school board and  
924 the parents otherwise agree, the student shall remain in his or  
925 her then-current educational assignment or, if applying for  
926 initial admission to a public school, shall be assigned, with  
927 the consent of the parents, in the public school program until  
928 all such proceedings have been completed.

929 ~~(f)(6)~~ In providing for the education of exceptional  
930 students, the district school superintendent, principals, and  
931 teachers shall utilize the regular school facilities and adapt  
932 them to the needs of exceptional students to the maximum extent  
933 appropriate. Segregation of exceptional students shall occur  
934 only if the nature or severity of the exceptionality is such  
935 that education in regular classes with the use of supplementary  
936 aids and services cannot be achieved satisfactorily.

937 ~~(g)(7)~~ In addition to the services agreed to in a  
938 student's individual education plan, the district school  
939 superintendent shall fully inform the parent of a student having  
940 a physical or developmental disability of all available services  
941 that are appropriate for the student's disability. The  
942 superintendent shall provide the student's parent with a summary  
943 of the student's rights.

944 (2)(a) An exceptional student with a disability who  
945 resides in a residential facility and receives special  
946 instruction or services is considered a resident of the state in  
947 which the parent is a resident. The cost of such instruction,

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948 facilities, and services for a nonresident exceptional student  
949 with a disability shall be provided by the placing authority,  
950 such as a public school entity, other placing authority, or  
951 parent, in the parent's state of residence. A nonresident  
952 exceptional student with a disability who resides in a  
953 residential facility may not be reported by any school district  
954 for FTE funding in the Florida Education Finance Program.

955 (b) The Department of Education shall provide to each  
956 school district a statement of the specific limitations of the  
957 district's financial obligation for exceptional students with  
958 disabilities under federal and state law. The department shall  
959 also provide to each school district technical assistance as  
960 necessary for developing a local plan to impose on a parent's  
961 state of residence the fiscal responsibility for educating a  
962 nonresident exceptional student with a disability.

963 (c) The Department of Education shall develop a process by  
964 which a school district must, before providing services to an  
965 exceptional student with a disability who resides in a  
966 residential facility in this state, review the residency of the  
967 student. The residential facility, not the district, is  
968 responsible for billing and collecting from the parent's state  
969 of residence for the nonresident student's educational and  
970 related services.

971 (d) This subsection applies to any nonresident exceptional  
972 student with a disability who resides in a residential facility  
973 and who receives instruction as an exceptional student with a  
974 disability in any type of residential facility in this state,

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975 including, but not limited to, a private school, a group home  
976 facility as defined in s. 393.063, an intensive residential  
977 treatment program for children and adolescents as defined in s.  
978 395.002, a facility as defined in s. 394.455, an intermediate  
979 care facility for the developmentally disabled or ICF/DD as  
980 defined in s. 393.063 or s. 400.960, or a community residential  
981 home as defined in s. 419.001.

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

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

989 Section 20. Section 1003.575, Florida Statutes, is created  
990 to read:

991 1003.575 Individual education plans for exceptional  
992 students.--The Department of Education shall coordinate the  
993 development of an individual education plan (IEP) form for use  
994 in developing and implementing individual education plans for  
995 exceptional students. The IEP form shall have a streamlined  
996 format and shall be compatible with federal standards. The  
997 department shall make the IEP form available to each school  
998 district in the state to facilitate the use of an existing IEP  
999 when a student transfers from one school district to another.

1000 Section 21. Subsection (3) of section 1003.58, Florida  
1001 Statutes, is amended to read:

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1002           1003.58 Students in residential care facilities.--Each  
1003 district school board shall provide educational programs  
1004 according to rules of the State Board of Education to students  
1005 who reside in residential care facilities operated by the  
1006 Department of Children and Family Services.

1007           (3) The district school board shall have full and complete  
1008 authority in the matter of the assignment and placement of such  
1009 students in educational programs. The parent of an exceptional  
1010 student shall have the same due process rights as are provided  
1011 under s. 1003.57(1)(e)~~(5)~~.

1012  
1013 Notwithstanding the provisions herein, the educational program  
1014 at the Marianna Sunland Center in Jackson County shall be  
1015 operated by the Department of Education, either directly or  
1016 through grants or contractual agreements with other public or  
1017 duly accredited educational agencies approved by the Department  
1018 of Education.

1019           Section 22. Paragraph (a) of subsection (1) and paragraph  
1020 (a) of subsection (2) of section 1003.62, Florida Statutes, are  
1021 amended to read:

1022           1003.62 Academic performance-based charter school  
1023 districts.--The State Board of Education may enter into a  
1024 performance contract with district school boards as authorized  
1025 in this section for the purpose of establishing them as academic  
1026 performance-based charter school districts. The purpose of this  
1027 section is to examine a new relationship between the State Board  
1028 of Education and district school boards that will produce

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1029 significant improvements in student achievement, while complying  
1030 with constitutional and statutory requirements assigned to each  
1031 entity.

1032 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1033 (a) A school district shall be eligible for designation as  
1034 an academic performance-based charter school district if it is a  
1035 high-performing school district in which a minimum of 50 percent  
1036 of the schools earn a ~~performance~~ grade of ~~eategory~~ "A" or "B"  
1037 and in which no school earns a ~~performance~~ grade of ~~eategory~~ "D"  
1038 or "F" for 2 consecutive years pursuant to s. 1008.34. Schools  
1039 that receive a ~~performance~~ grade of ~~eategory~~ "I" or "N" shall  
1040 not be included in this calculation. The performance contract  
1041 for a school district that earns a charter based on school  
1042 ~~performance~~ grades shall be predicated on maintenance of at  
1043 least 50 percent of the schools in the school district earning a  
1044 ~~performance~~ grade of ~~eategory~~ "A" or "B" with no school in the  
1045 school district earning a ~~performance~~ grade of ~~eategory~~ "D" or  
1046 "F" for 2 consecutive years. A school district in which the  
1047 number of schools that earn a ~~performance~~ grade of "A" or "B" is  
1048 less than 50 percent may have its charter renewed for 1 year;  
1049 however, if the percentage of "A" or "B" schools is less than 50  
1050 percent for 2 consecutive years, the charter shall not be  
1051 renewed.

1052 (2) EXEMPTION FROM STATUTES AND RULES.--

1053 (a) An academic performance-based charter school district  
1054 shall operate in accordance with its charter and shall be exempt  
1055 from certain State Board of Education rules and statutes if the

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1056 State Board of Education determines such an exemption will  
1057 assist the district in maintaining or improving its high-  
1058 performing status pursuant to paragraph (1)(a). However, the  
1059 State Board of Education may not exempt an academic performance-  
1060 based charter school district from any of the following  
1061 statutes:

1062 1. Those statutes pertaining to the provision of services  
1063 to students with disabilities.

1064 2. Those statutes pertaining to civil rights, including s.  
1065 1000.05, relating to discrimination.

1066 3. Those statutes pertaining to student health, safety,  
1067 and welfare.

1068 4. Those statutes governing the election or compensation  
1069 of district school board members.

1070 5. Those statutes pertaining to the student assessment  
1071 program and the school grading system, including chapter 1008.

1072 6. Those statutes pertaining to financial matters,  
1073 including chapter 1010.

1074 7. Those statutes pertaining to planning and budgeting,  
1075 including chapter 1011, except that ss. 1011.64 and 1011.69  
1076 shall be eligible for exemption.

1077 8. Sections 1012.22(1)(c), 1012.2312, and 1012.27(2),  
1078 relating to performance-pay and differentiated-pay policies for  
1079 school administrators and instructional personnel. Professional  
1080 service contracts shall be subject to the provisions of ss.  
1081 1012.33 and 1012.34.

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1082 9. Those statutes pertaining to educational facilities,  
1083 including chapter 1013, except as specified under contract with  
1084 the State Board of Education. However, no contractual provision  
1085 that could have the effect of requiring the appropriation of  
1086 additional capital outlay funds to the academic performance-  
1087 based charter school district shall be valid.

1088 Section 23. Paragraph (e) of subsection (2) of section  
1089 1005.22, Florida Statutes, is amended to read:

1090 1005.22 Powers and duties of commission.--

1091 (2) The commission may:

1092 (e) Advise the Governor, the Legislature, the State Board  
1093 of Education, ~~the Council for Education Policy Research and~~  
1094 ~~Improvement~~, and the Commissioner of Education on issues  
1095 relating to private postsecondary education.

1096 Section 24. Subsection (3) of section 1007.33, Florida  
1097 Statutes, is amended to read:

1098 1007.33 Site-determined baccalaureate degree access.--

1099 (3) A community college may develop a proposal to deliver  
1100 specified baccalaureate degree programs in its district to meet  
1101 local workforce needs. The proposal must be submitted to the  
1102 State Board of Education for approval. The community college's  
1103 proposal must include the following information:

1104 (a) Demand for the baccalaureate degree program is  
1105 identified by the workforce development board, local businesses  
1106 and industry, local chambers of commerce, and potential  
1107 students.

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1108 (b) Unmet need for graduates of the proposed degree  
1109 program is substantiated.

1110 (c) The community college has the facilities and academic  
1111 resources to deliver the program.

1112  
1113 ~~The proposal must be submitted to the Council for Education~~  
1114 ~~Policy Research and Improvement for review and comment.~~ Upon  
1115 approval of the State Board of Education for the specific degree  
1116 program or programs, the community college shall pursue regional  
1117 accreditation by the Commission on Colleges of the Southern  
1118 Association of Colleges and Schools. Any additional  
1119 baccalaureate degree programs the community college wishes to  
1120 offer must be approved by the State Board of Education.

1121 Section 25. Paragraph (f) of subsection (1), paragraphs  
1122 (c) and (e) of subsection (3), and subsection (9) of section  
1123 1008.22, Florida Statutes, are amended, subsection (10) is  
1124 renumbered as subsection (11), and a new subsection (10) is  
1125 added to said section, to read:

1126 1008.22 Student assessment program for public schools.--

1127 (1) PURPOSE.--The primary purposes of the student  
1128 assessment program are to provide information needed to improve  
1129 the public schools by enhancing the learning gains of all  
1130 students and to inform parents of the educational progress of  
1131 their public school children. The program must be designed to:

1132 (f) Provide information on the performance of Florida  
1133 students compared with other students ~~others~~ across the United  
1134 States.

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1135 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
1136 design and implement a statewide program of educational  
1137 assessment that provides information for the improvement of the  
1138 operation and management of the public schools, including  
1139 schools operating for the purpose of providing educational  
1140 services to youth in Department of Juvenile Justice programs.  
1141 The commissioner may enter into contracts for the continued  
1142 administration of the assessment, testing, and evaluation  
1143 programs authorized and funded by the Legislature. Contracts may  
1144 be initiated in 1 fiscal year and continue into the next and may  
1145 be paid from the appropriations of either or both fiscal years.  
1146 The commissioner is authorized to negotiate for the sale or  
1147 lease of tests, scoring protocols, test scoring services, and  
1148 related materials developed pursuant to law. Pursuant to the  
1149 statewide assessment program, the commissioner shall:

1150 (c) Develop and implement a student achievement testing  
1151 program known as the Florida Comprehensive Assessment Test  
1152 (FCAT) as part of the statewide assessment program, ~~to be~~  
1153 ~~administered annually in grades 3 through 10~~ to measure reading,  
1154 writing, science, and mathematics. Other content areas may be  
1155 included as directed by the commissioner. The assessment of  
1156 reading and mathematics shall be administered annually in grades  
1157 3 through 10. The assessment of writing and science shall be  
1158 administered at least once at the elementary, middle, and high  
1159 school levels. The testing program must be designed so that:

1160 1. The tests measure student skills and competencies  
1161 adopted by the State Board of Education as specified in

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1162 paragraph (a). The tests must measure and report student  
1163 proficiency levels in reading, writing, mathematics, and  
1164 science. The commissioner shall provide for the tests to be  
1165 developed or obtained, as appropriate, through contracts and  
1166 project agreements with private vendors, public vendors, public  
1167 agencies, postsecondary educational institutions, or school  
1168 districts. The commissioner shall obtain input with respect to  
1169 the design and implementation of the testing program from state  
1170 educators and the public.

1171 2. The testing program will include a combination of norm-  
1172 referenced and criterion-referenced tests and include, to the  
1173 extent determined by the commissioner, questions that require  
1174 the student to produce information or perform tasks in such a  
1175 way that the skills and competencies he or she uses can be  
1176 measured.

1177 3. Each testing program, whether at the elementary,  
1178 middle, or high school level, includes a test of writing in  
1179 which students are required to produce writings that are then  
1180 scored by appropriate methods.

1181 4. A score is designated for each subject area tested,  
1182 below which score a student's performance is deemed inadequate.  
1183 The school districts shall provide appropriate remedial  
1184 instruction to students who score below these levels.

1185 5. Except as provided in s. 1003.43(11)(b), students must  
1186 earn a passing score on the grade 10 assessment test described  
1187 in this paragraph or on an alternate assessment as described in  
1188 subsection (9) in reading, writing, and mathematics to qualify

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1189 for a regular high school diploma. The State Board of Education  
1190 shall designate a passing score for each part of the grade 10  
1191 assessment test. In establishing passing scores, the state board  
1192 shall consider any possible negative impact of the test on  
1193 minority students. ~~All students who took the grade 10 FCAT~~  
1194 ~~during the 2000-2001 school year shall be required to earn the~~  
1195 ~~passing scores in reading and mathematics established by the~~  
1196 ~~State Board of Education for the March 2001 test administration.~~  
1197 ~~Such students who did not earn the established passing scores~~  
1198 ~~and must repeat the grade 10 FCAT are required to earn the~~  
1199 ~~passing scores established for the March 2001 test~~  
1200 ~~administration. All students who take the grade 10 FCAT for the~~  
1201 ~~first time in March 2002 shall be required to earn the passing~~  
1202 ~~scores in reading and mathematics established by the State Board~~  
1203 ~~of Education for the March 2002 test administration. The State~~  
1204 Board of Education shall adopt rules which specify the passing  
1205 scores for the grade 10 FCAT. Any such rules, which have the  
1206 effect of raising the required passing scores, shall only apply  
1207 to students taking the grade 10 FCAT for the first time after  
1208 such rules are adopted by the State Board of Education.

1209         6. Participation in the testing program is mandatory for  
1210 all students attending public school, including students served  
1211 in Department of Juvenile Justice programs, except as otherwise  
1212 prescribed by the commissioner. If a student does not  
1213 participate in the statewide assessment, the district must  
1214 notify the student's parent and provide the parent with  
1215 information regarding the implications of such nonparticipation.

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1216 If modifications are made in the student's instruction to  
1217 provide accommodations that would not be permitted on the  
1218 statewide assessment tests, the district must notify the  
1219 student's parent of the implications of such instructional  
1220 modifications. A parent must provide signed consent for a  
1221 student to receive instructional modifications that would not be  
1222 permitted on the statewide assessments and must acknowledge in  
1223 writing that he or she understands the implications of such  
1224 accommodations. The State Board of Education shall adopt rules,  
1225 based upon recommendations of the commissioner, for the  
1226 provision of test accommodations and modifications of procedures  
1227 as necessary for students in exceptional education programs and  
1228 for students who have limited English proficiency.  
1229 Accommodations that negate the validity of a statewide  
1230 assessment are not allowable.

1231 7. A student seeking an adult high school diploma must  
1232 meet the same testing requirements that a regular high school  
1233 student must meet.

1234 8. District school boards must provide instruction to  
1235 prepare students to demonstrate proficiency in the skills and  
1236 competencies necessary for successful grade-to-grade progression  
1237 and high school graduation. If a student is provided with  
1238 accommodations or modifications that are not allowable in the  
1239 statewide assessment program, as described in the test manuals,  
1240 the district must inform the parent in writing and must provide  
1241 the parent with information regarding the impact on the  
1242 student's ability to meet expected proficiency levels in

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1243 reading, writing, and math. The commissioner shall conduct  
1244 studies as necessary to verify that the required skills and  
1245 competencies are part of the district instructional programs.

1246 9. The Department of Education must develop, or select,  
1247 and implement a common battery of assessment tools that will be  
1248 used in all juvenile justice programs in the state. These tools  
1249 must accurately measure the skills and competencies established  
1250 in the Florida Sunshine State Standards.

1251  
1252 The commissioner may design and implement student testing  
1253 programs, for any grade level and subject area, necessary to  
1254 effectively monitor educational achievement in the state.

1255 (e) Conduct ongoing research and analysis of student  
1256 achievement data, including, without limitation, monitoring  
1257 trends in student achievement by grade level and overall student  
1258 achievement, identifying school programs that are successful,  
1259 and analyzing correlates of school achievement.

1260 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

1261 (a) The State Board of Education shall conduct concordance  
1262 studies, as necessary, to determine scores on the SAT and the  
1263 ACT equivalent to those required on the FCAT for high school  
1264 graduation pursuant to s. 1003.429(6)(a) or s. 1003.43(5)(a).

1265 (b)(a) The Commissioner of Education shall approve the use  
1266 of the SAT and ACT tests as alternative assessments to the grade  
1267 10 FCAT ~~for the 2003-2004 school year~~. Students who attain  
1268 scores on the SAT or ACT which equate to the passing scores on  
1269 the grade 10 FCAT for purposes of high school graduation shall

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1270 satisfy the assessment requirement for a standard high school  
1271 diploma as provided in s. 1003.429(6)(a) or s. 1003.43(5)(a) ~~for~~  
1272 ~~the 2003-2004 school year~~ if the students meet the requirement  
1273 in paragraph (c)~~(b)~~.

1274 (c)~~(b)~~ A student shall be required to take each subject  
1275 area of the grade 10 FCAT a total of three times without earning  
1276 a passing score in order to use the corresponding subject area  
1277 scores on an alternative assessment pursuant to paragraph  
1278 (b)~~(a)~~. This requirement shall not apply to a new student who  
1279 enters ~~is a new student to~~ the Florida public school system in  
1280 grade 12, who may either take the FCAT or use approved score  
1281 equivalencies to fulfill the graduation requirement.

1282 (10) REPORTS.--The Department of Education shall annually  
1283 provide a report to the Governor, the President of the Senate,  
1284 and the Speaker of the House of Representatives on the  
1285 following:

1286 (a) Longitudinal performance of students in mathematics  
1287 and reading.

1288 (b) Longitudinal performance of students by grade level in  
1289 mathematics and reading.

1290 (c) Longitudinal performance regarding efforts to close  
1291 the achievement gap.

1292 (d) Longitudinal performance of students on the norm-  
1293 referenced component of the FCAT.

1294 (e) Other student performance data based on national norm-  
1295 referenced and criterion-referenced tests, when available, and

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1296 | numbers of students who after 8th grade enroll in adult  
1297 | education rather than other secondary education.

1298 |       Section 26. Paragraph (b) of subsection (4) and paragraph  
1299 | (b) of subsection (8) of section 1008.25, Florida Statutes, are  
1300 | amended, and paragraph (c) is added to subsection (8) of said  
1301 | section, to read:

1302 |       1008.25 Public school student progression; remedial  
1303 | instruction; reporting requirements.--

1304 |       (4) ASSESSMENT AND REMEDIATION.--

1305 |       (b) The school in which the student is enrolled must  
1306 | develop, in consultation with the student's parent, and must  
1307 | implement an academic improvement plan designed to assist the  
1308 | student in meeting state and district expectations for  
1309 | proficiency. For a student for whom a personalized middle school  
1310 | success plan is required pursuant to s. 1003.415, the middle  
1311 | school success plan must be incorporated in the student's  
1312 | academic improvement plan. Beginning with the 2002-2003 school  
1313 | year, if the student has been identified as having a deficiency  
1314 | in reading, the academic improvement plan shall identify the  
1315 | student's specific areas of deficiency in phonemic awareness,  
1316 | phonics, fluency, comprehension, and vocabulary; the desired  
1317 | levels of performance in these areas; and the instructional and  
1318 | support services to be provided to meet the desired levels of  
1319 | performance. Schools shall also provide for the frequent  
1320 | monitoring of the student's progress in meeting the desired  
1321 | levels of performance. District school boards may require low-  
1322 | performing students to attend remediation programs held before

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1323 | or after regular school hours, upon the request of the school  
1324 | principal, and shall assist schools and teachers to implement  
1325 | research-based reading activities that have been shown to be  
1326 | successful in teaching reading to low-performing students.  
1327 | Remedial instruction provided during high school may not be in  
1328 | lieu of English and mathematics credits required for graduation.

1329 | (8) ANNUAL REPORT.--

1330 | (b) ~~Beginning with the 2001-2002 school year,~~ Each  
1331 | district school board must annually publish in the local  
1332 | newspaper, and report in writing to the State Board of Education  
1333 | by September 1 of each year, the following information on the  
1334 | prior school year:

1335 | 1. The provisions of this section relating to public  
1336 | school student progression and the district school board's  
1337 | policies and procedures on student retention and promotion.

1338 | 2. By grade, the number and percentage of all students in  
1339 | grades 3 through 10 performing at Levels 1 and 2 on the reading  
1340 | portion of the FCAT.

1341 | 3. By grade, the number and percentage of all students  
1342 | retained in grades 3 through 10.

1343 | 4. Information on the total number of students who were  
1344 | promoted for good cause, by each category of good cause as  
1345 | specified in paragraph (6)(b).

1346 | 5. Any revisions to the district school board's policy on  
1347 | student retention and promotion from the prior year.

1348 | (c) The Department of Education shall establish a uniform  
1349 | format for school districts to report the information required

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1350 in paragraph (b). The format shall be developed with input from  
1351 school districts and shall be provided not later than 60 days  
1352 prior to the annual due date. The department shall annually  
1353 compile the information required in subparagraphs (b)2., 3., and  
1354 4., along with state-level summary information, and report such  
1355 information to the Governor, the President of the Senate, and  
1356 the Speaker of the House of Representatives.

1357 Section 27. Section 1008.301, Florida Statutes, is  
1358 repealed.

1359 Section 28. Section 1008.31, Florida Statutes, is amended  
1360 to read:

1361 1008.31 Florida's K-20 education performance  
1362 accountability system; legislative intent; public accountability  
1363 and reporting ~~performance-based funding~~; mission, goals, and  
1364 systemwide measures.--

1365 (1) LEGISLATIVE INTENT.--It is the intent of the  
1366 Legislature that:

1367 (a) The performance accountability system implemented to  
1368 assess the effectiveness of Florida's seamless K-20 education  
1369 delivery system provide answers to the following questions in  
1370 relation to its mission and goals:

1371 1. What is the public receiving in return for funds it  
1372 invests in education?

1373 2. How effectively is Florida's K-20 education system  
1374 educating its students?

1375 3. How effectively are the major delivery sectors  
1376 promoting student achievement?

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1377 4. How are individual schools and postsecondary education  
1378 institutions performing their responsibility to educate their  
1379 students as measured by how students are performing and how much  
1380 they are learning?

1381 (b) The K-20 education performance accountability system  
1382 be established as a single, unified accountability system with  
1383 multiple components, including, but not limited to, measures of  
1384 adequate yearly progress, individual student learning gains in  
1385 public schools, school grades, and return on investment.

1386 (c) The K-20 education performance accountability system  
1387 comply with the accountability requirements of the "No Child  
1388 Left Behind Act of 2001," Pub. L. No. 107-110.

1389 (d) The State Board of Education recommend to the  
1390 Legislature systemwide performance standards; the Legislature  
1391 establish systemwide performance measures and standards; and the  
1392 systemwide measures and standards provide Floridians with  
1393 information on what the public is receiving in return for the  
1394 funds it invests in education and how well the K-20 system  
1395 educates its students.

1396 (e) The State Board of Education establish performance  
1397 measures and set performance standards for individual components  
1398 of the public education system, including individual schools and  
1399 postsecondary educational institutions, with measures and  
1400 standards based primarily on student achievement.

1401 ~~(2) PERFORMANCE-BASED FUNDING.~~

1402 ~~(a) The State Board of Education shall cooperate with each~~  
1403 ~~delivery system to develop proposals for performance-based~~

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1404 ~~funding, using performance measures adopted pursuant to this~~  
1405 ~~section.~~

1406 ~~(b) The State Board of Education proposals must provide~~  
1407 ~~that at least 10 percent of the state funds appropriated for the~~  
1408 ~~K-20 education system are conditional upon meeting or exceeding~~  
1409 ~~established performance standards.~~

1410 ~~(c) The State Board of Education shall adopt guidelines~~  
1411 ~~required to implement performance-based funding that allow 1~~  
1412 ~~year to demonstrate achievement of specified performance~~  
1413 ~~standards prior to a reduction in appropriations pursuant to~~  
1414 ~~this section.~~

1415 ~~(d) By December 1, 2003, the State Board of Education~~  
1416 ~~shall adopt common definitions, measures, standards, and~~  
1417 ~~performance improvement targets required to:~~

1418 ~~1. Use the state core measures and the sector-specific~~  
1419 ~~measures to evaluate the progress of each sector of the~~  
1420 ~~educational delivery system toward meeting the systemwide goals~~  
1421 ~~for public education.~~

1422 ~~2. Notify the sectors of their progress in achieving the~~  
1423 ~~specified measures so that they may develop improvement plans~~  
1424 ~~that directly influence decisions about policy, program~~  
1425 ~~development, and management.~~

1426 ~~3. Implement the performance-based budgeting system~~  
1427 ~~described in this section.~~

1428 ~~(e) During the 2003-2004 fiscal year, the Department of~~  
1429 ~~Education shall collect data required to establish progress,~~  
1430 ~~rewards, and sanctions.~~

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1431 ~~(f) By December 1, 2004, the Department of Education shall~~  
1432 ~~recommend to the Legislature a formula for performance-based~~  
1433 ~~funding that applies accountability standards for the individual~~  
1434 ~~components of the public education system at every level,~~  
1435 ~~kindergarten through graduate school. Effective for the 2004-~~  
1436 ~~2005 fiscal year and thereafter, subject to annual legislative~~  
1437 ~~approval in the General Appropriations Act, performance-based~~  
1438 ~~funds shall be allocated based on the progress, rewards, and~~  
1439 ~~sanctions established pursuant to this section.~~

1440 (2)(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--

1441 (a) The mission of Florida's K-20 education system shall  
1442 be to increase the proficiency of all students within one  
1443 seamless, efficient system, by allowing them the opportunity to  
1444 expand their knowledge and skills through learning opportunities  
1445 and research valued by students, parents, and communities.

1446 (b) The process ~~State Board of Education shall adopt~~  
1447 ~~guiding principles~~ for establishing state and sector-specific  
1448 standards and measures must be:

- 1449 1. Focused on student success.
- 1450 2. Addressable through policy and program changes.
- 1451 3. Efficient and of high quality.
- 1452 4. Measurable over time.
- 1453 5. Simple to explain and display to the public.
- 1454 6. Aligned with other measures and other sectors to  
1455 support a coordinated K-20 education system.

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1456 (c) The Department State Board of Education shall maintain  
1457 an accountability system that measures student progress toward  
1458 the following goals:

1459 1. Highest student achievement, as indicated by evidence  
1460 of student learning gains at all levels ~~measured by: student~~  
1461 ~~FCAT performance and annual learning gains; the number and~~  
1462 ~~percentage of schools that improve at least one school~~  
1463 ~~performance grade designation or maintain a school performance~~  
1464 ~~grade designation of "A" pursuant to s. 1008.34; graduation or~~  
1465 ~~completion rates at all learning levels; and other measures~~  
1466 ~~identified in law or rule.~~

1467 2. Seamless articulation and maximum access, as measured  
1468 by evidence of progression, readiness, and access by targeted  
1469 groups of students identified by the Commissioner of Education;  
1470 ~~the percentage of students who demonstrate readiness for the~~  
1471 ~~educational level they are entering, from kindergarten through~~  
1472 ~~postsecondary education and into the workforce; the number and~~  
1473 ~~percentage of students needing remediation; the percentage of~~  
1474 ~~Floridians who complete associate, baccalaureate, graduate,~~  
1475 ~~professional, and postgraduate degrees; the number and~~  
1476 ~~percentage of credits that articulate; the extent to which each~~  
1477 ~~set of exit point requirements matches the next set of entrance~~  
1478 ~~point requirements; the degree to which underserved populations~~  
1479 ~~access educational opportunity; the extent to which access is~~  
1480 ~~provided through innovative educational delivery strategies; and~~  
1481 ~~other measures identified in law or rule.~~

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1482 3. Skilled workforce and economic development, as measured  
1483 by evidence of employment and earnings; ~~the number and~~  
1484 ~~percentage of graduates employed in their areas of preparation;~~  
1485 ~~the percentage of Floridians with high school diplomas and~~  
1486 ~~postsecondary education credentials; the percentage of business~~  
1487 ~~and community members who find that Florida's graduates possess~~  
1488 ~~the skills they need; national rankings; and other measures~~  
1489 ~~identified in law or rule.~~

1490 4. Quality efficient services, as measured by evidence of  
1491 return on investment; ~~cost per completer or graduate; average~~  
1492 ~~cost per noncompleter at each educational level; cost disparity~~  
1493 ~~across institutions offering the same degrees; the percentage of~~  
1494 ~~education customers at each educational level who are satisfied~~  
1495 ~~with the education provided; and other measures identified in~~  
1496 ~~law or rule.~~

1497 5. Other goals as identified by law or rule.

1498 (3)(4) K-20 EDUCATION DATA QUALITY IMPROVEMENTS SYSTEMWIDE  
1499 DATA COLLECTION.--To provide data required to implement  
1500 education performance accountability measures in state and  
1501 federal law, the Commissioner of Education shall initiate and  
1502 maintain strategies to improve data quality and timeliness.

1503 (a) School districts and public postsecondary educational  
1504 institutions shall maintain information systems that will  
1505 provide the State Board of Education, the Board of Governors,  
1506 and the Legislature with information and reports necessary to  
1507 address the specifications of the accountability system. The  
1508 State Board of Education shall determine the standards for the

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1509 ~~required data.~~ The level of comprehensiveness and quality shall  
1510 be no less than that which was available as of June 30, 2001.

1511 (b) The Commissioner of Education shall determine the  
1512 standards for the required data, monitor data quality, and  
1513 measure improvements. The commissioner shall report annually to  
1514 the State Board of Education, the Board of Governors, the  
1515 President of the Senate, and the Speaker of the House of  
1516 Representatives data quality indicators and ratings for all  
1517 school districts and public postsecondary educational  
1518 institutions.

1519 (4) REPORTING OR DATA COLLECTION.--The department shall  
1520 coordinate with school districts in developing any reporting or  
1521 data collection requirements to address the specifications of  
1522 the accountability system. Before establishing any new reporting  
1523 or data collection requirements, the department shall utilize  
1524 any existing data being collected to reduce duplication and  
1525 minimize paperwork.

1526 (5) RULES.--The State Board of Education shall adopt rules  
1527 pursuant to ss. 120.536(1) and 120.54 to implement the  
1528 provisions of this section.

1529 Section 29. Subsections (1), (2), and (4) of section  
1530 1008.33, Florida Statutes, are amended to read:

1531 1008.33 Authority to enforce public school  
1532 improvement.--It is the intent of the Legislature that all  
1533 public schools be held accountable for students performing at  
1534 acceptable levels. A system of school improvement and  
1535 accountability that assesses student performance by school,

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1536 identifies schools in which students are not making adequate  
1537 progress toward state standards, institutes appropriate measures  
1538 for enforcing improvement, and provides rewards and sanctions  
1539 based on performance shall be the responsibility of the State  
1540 Board of Education.

1541 (1) Pursuant to Art. IX of the State Constitution  
1542 prescribing the duty of the State Board of Education to  
1543 supervise Florida's public school system and notwithstanding any  
1544 other statutory provisions to the contrary, the State Board of  
1545 Education shall intervene in the operation of a district school  
1546 system when one or more schools in the school district have  
1547 failed to make adequate progress for 2 school years in a 4-year  
1548 period. For purposes of determining when a school is eligible  
1549 for state board action and opportunity scholarships for its  
1550 students, the terms "2 years in any 4-year period" and "2 years  
1551 in a 4-year period" mean that in any year that a school has a  
1552 grade of "F," the school is eligible for state board action and  
1553 opportunity scholarships for its students if it also has had a  
1554 grade of "F" in any of the previous 3 school years. The State  
1555 Board of Education may determine that the school district or  
1556 school has not taken steps sufficient for students in the school  
1557 to be academically well served. Considering recommendations of  
1558 the Commissioner of Education, the State Board of Education  
1559 shall recommend action to a district school board intended to  
1560 improve educational services to students in each school that is  
1561 designated with a ~~as performance~~ grade of category ~~category~~ "F."  
1562 Recommendations for actions to be taken in the school district

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1563 shall be made only after thorough consideration of the unique  
1564 characteristics of a school, which shall include student  
1565 mobility rates, the number and type of exceptional students  
1566 enrolled in the school, and the availability of options for  
1567 improved educational services. The state board shall adopt by  
1568 rule steps to follow in this process. Such steps shall provide  
1569 school districts sufficient time to improve student performance  
1570 in schools and the opportunity to present evidence of assistance  
1571 and interventions that the district school board has  
1572 implemented.

1573 (2) The State Board of Education may recommend one or more  
1574 of the following actions to district school boards to enable  
1575 students in schools designated with a ~~as~~ performance grade of of  
1576 ~~category~~ "F" to be academically well served by the public school  
1577 system:

1578 (a) Provide additional resources, change certain  
1579 practices, and provide additional assistance if the state board  
1580 determines the causes of inadequate progress to be related to  
1581 school district policy or practice;

1582 (b) Implement a plan that satisfactorily resolves the  
1583 education equity problems in the school;

1584 (c) Contract for the educational services of the school,  
1585 or reorganize the school at the end of the school year under a  
1586 new school principal who is authorized to hire new staff and  
1587 implement a plan that addresses the causes of inadequate  
1588 progress;

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1589        (d) Transfer high-quality teachers, faculty, and staff as  
1590 needed to ensure adequate educational opportunities designed to  
1591 improve the performance of students in a low-performing school;

1592        ~~(e)(d)~~ Allow parents of students in the school to send  
1593 their children to another district school of their choice; or

1594        (f)(e) Other action appropriate to improve the school's  
1595 performance.

1596        (4) The State Board of Education may require the  
1597 Department of Education or Chief Financial Officer to withhold  
1598 any transfer of state funds to the school district if, within  
1599 the timeframe specified in state board action, the school  
1600 district has failed to comply with the action ordered to improve  
1601 the district's low-performing schools. Withholding the transfer  
1602 of funds shall occur only after all other recommended actions  
1603 for school improvement have failed to improve performance. The  
1604 State Board of Education may impose the same penalty on any  
1605 district school board that fails to develop and implement a plan  
1606 for assistance and intervention for low-performing schools as  
1607 specified in s. 1001.42(16) (d) ~~(e)~~.

1608        Section 30. Section 1008.34, Florida Statutes, is amended  
1609 to read:

1610        1008.34 School grading system; school report cards;  
1611 district ~~performance~~ grade.--

1612        (1) ANNUAL REPORTS.--The Commissioner of Education shall  
1613 prepare annual reports of the results of the statewide  
1614 assessment program which describe student achievement in the  
1615 state, each district, and each school. The commissioner shall

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1616 prescribe the design and content of these reports, which must  
1617 include, without limitation, descriptions of the performance of  
1618 all schools participating in the assessment program and all of  
1619 their major student populations as determined by the  
1620 Commissioner of Education, and must also include the median  
1621 scores of all eligible students who scored at or in the lowest  
1622 25th percentile of the state in the previous school year;  
1623 provided, however, that the provisions of s. 1002.22 pertaining  
1624 to student records apply to this section.

1625 (2) SCHOOL GRADES ~~PERFORMANCE GRADE CATEGORIES~~.--The  
1626 annual report shall identify schools as having one of the  
1627 following grades ~~being in one of the following grade categories~~  
1628 defined according to rules of the State Board of Education:

- 1629 (a) "A," schools making excellent progress.  
1630 (b) "B," schools making above average progress.  
1631 (c) "C," schools making satisfactory progress.  
1632 (d) "D," schools making less than satisfactory progress.  
1633 (e) "F," schools failing to make adequate progress.

1634  
1635 Each school designated with a ~~in performance grade~~ of ~~category~~  
1636 "A," making excellent progress, or having improved at least two  
1637 ~~performance grade levels~~ categories, shall have greater  
1638 authority over the allocation of the school's total budget  
1639 generated from the FEFP, state categoricals, lottery funds,  
1640 grants, and local funds, as specified in state board rule. The  
1641 rule must provide that the increased budget authority shall  
1642 remain in effect until the school's ~~performance~~ grade declines.

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1643 (3) DESIGNATION OF SCHOOL GRADES ~~PERFORMANCE GRADE~~  
1644 ~~CATEGORIES~~.--All schools shall receive a school grade except  
1645 those alternative schools that receive a school improvement  
1646 rating pursuant to s. 1008.341. Alternative schools may choose  
1647 to receive a school grade pursuant to the provisions of this  
1648 section in lieu of a school improvement rating described in s.  
1649 1008.341. School grades ~~performance grade category~~ designations  
1650 itemized in subsection (2) shall be based on the following:

1651 (a) Criteria ~~Timeframes~~.--A school's grade shall be based  
1652 on a combination of:

1653 1. Student achievement scores ~~School performance grade~~  
1654 ~~category designations shall be based on the school's current~~  
1655 ~~year performance and the school's annual learning gains.~~

1656 2. ~~A school's performance grade category designation shall~~  
1657 ~~be based on a combination of student achievement scores, Student~~  
1658 ~~learning gains as measured by annual FCAT assessments in grades~~  
1659 ~~3 through 10, and~~

1660 3. Improvement of the lowest 25th percentile of students  
1661 in the school ~~in reading, math, or writing~~ on the FCAT Reading,  
1662 unless these students are exhibiting ~~performing~~ above  
1663 satisfactory performance.

1664 (b) Student assessment data.--Student assessment data used  
1665 in determining school grades ~~performance grade categories~~ shall  
1666 include:

1667 1. The aggregate scores of all eligible students enrolled  
1668 in the school who have been assessed on the FCAT.

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1669           2. The aggregate scores of all eligible students enrolled  
1670 in the school who have been assessed on the FCAT, including  
1671 Florida Writes, and who have scored at or in the lowest 25th  
1672 percentile of students in the school in reading, math, or  
1673 writing, unless these students are exhibiting ~~performing~~ above  
1674 satisfactory performance.

1675           3. The achievement scores and learning gains of eligible  
1676 students attending alternative schools that provide dropout  
1677 prevention and academic intervention services pursuant to s.  
1678 1003.53. The term "eligible students" in this subparagraph does  
1679 not include students attending an alternative school who are  
1680 subject to district school board policies for expulsion for  
1681 repeated or serious offenses, who are in dropout retrieval  
1682 programs serving students who have officially been designated as  
1683 dropouts, or who are in Department of Juvenile Justice operated  
1684 and contracted programs. The student performance data for  
1685 eligible students identified in this subparagraph shall be  
1686 included in the calculation of the home school's grade. For  
1687 purposes of this section and s. 1008.341, "home school" means  
1688 the school the student was attending when assigned to an  
1689 alternative school or the school to which the student would be  
1690 assigned if the student left the alternative school. If an  
1691 alternative school chooses to be graded pursuant to this  
1692 section, student performance data for eligible students  
1693 identified in this subparagraph shall not be included in the  
1694 home school's grade but shall only be included in calculation of  
1695 the alternative school's improvement rating. School districts

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1696 | must ensure collaboration between the home school and the  
1697 | alternative school to promote student success.

1698 |  
1699 | ~~The Department of Education shall study the effects of mobility~~  
1700 | ~~on the performance of highly mobile students and recommend~~  
1701 | ~~programs to improve the performance of such students.~~ The State  
1702 | Board of Education shall adopt appropriate criteria for each  
1703 | school ~~performanee~~ grade ~~eategory~~. The criteria must also give  
1704 | added weight to student achievement in reading. Schools  
1705 | designated with a ~~as performanee~~ grade of ~~eategory~~ "C," making  
1706 | satisfactory progress, shall be required to demonstrate that  
1707 | adequate progress has been made by students in the school who  
1708 | are in the lowest 25th percentile in reading, math, or writing  
1709 | on the FCAT, including Florida Writes, unless these students are  
1710 | exhibiting ~~performing~~ above satisfactory performance.

1711 | (4) SCHOOL IMPROVEMENT RATINGS.--The annual report shall  
1712 | identify each school's performance as having improved, remained  
1713 | the same, or declined. This school improvement rating shall be  
1714 | based on a comparison of the current year's and previous year's  
1715 | student and school performance data. Schools that improve at  
1716 | least one ~~performanee~~ grade ~~eategory~~ are eligible for school  
1717 | recognition awards pursuant to s. 1008.36.

1718 | (5) SCHOOL REPORT CARD PERFORMANCE GRADE CATEGORY AND  
1719 | IMPROVEMENT RATING REPORTS.--The Department of Education shall  
1720 | annually develop, in collaboration with the school districts, a  
1721 | school report card to be delivered to parents throughout each  
1722 | school district. The report card shall include the school's

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1723 grade, information regarding school improvement, an explanation  
1724 of school performance as evaluated by the federal No Child Left  
1725 Behind Act of 2001, and indicators of return on investment.  
1726 ~~School performance grade category designations and improvement~~  
1727 ~~ratings shall apply to each school's performance for the year in~~  
1728 ~~which performance is measured.~~ Each school's report card  
1729 ~~designation and rating~~ shall be published annually by the  
1730 department on its website, ~~of Education~~ and the school district  
1731 shall provide the school report card to each parent. ~~Parents~~  
1732 ~~shall be entitled to an easy-to-read report card about the~~  
1733 ~~designation and rating of the school in which their child is~~  
1734 ~~enrolled.~~

1735 (6)(7) PERFORMANCE-BASED FUNDING.--The Legislature may  
1736 factor in the performance of schools in calculating any  
1737 performance-based funding policy that is provided for annually  
1738 in the General Appropriations Act.

1739 (7)(8) DISTRICT PERFORMANCE GRADE.--The annual report  
1740 required by subsection (1) shall include district ~~performance~~  
1741 grades, which shall consist of weighted district average grades,  
1742 by level, for all elementary schools, middle schools, and high  
1743 schools in the district. A district's weighted average grade  
1744 shall be calculated by weighting individual school grades  
1745 determined pursuant to subsection (2) by school enrollment.

1746 (8)(6) RULES.--The State Board of Education shall adopt  
1747 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
1748 provisions of this section.

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1749 Section 31. Section 1008.341, Florida Statutes, is created  
1750 to read:

1751 1008.341 School improvement rating for alternative  
1752 schools.--

1753 (1) ANNUAL REPORTS.--The Commissioner of Education shall  
1754 prepare an annual report on the performance of each school  
1755 receiving a school improvement rating pursuant to this section  
1756 provided that the provisions of s. 1002.22 pertaining to student  
1757 records shall apply.

1758 (2) SCHOOL IMPROVEMENT RATING.--Alternative schools that  
1759 provide dropout prevention and academic intervention services  
1760 pursuant to s. 1003.53 shall receive a school improvement rating  
1761 pursuant to this section. The school improvement rating shall  
1762 identify schools as having one of the following ratings defined  
1763 according to rules of the State Board of Education:

1764 (a) "Improving," schools with students making more  
1765 academic progress than when the students were served in their  
1766 home schools.

1767 (b) "Maintaining," schools with students making progress  
1768 equivalent to the progress made when the students were served in  
1769 their home schools.

1770 (c) "Declining," schools with students making less  
1771 academic progress than when the students were served in their  
1772 home schools.

1773  
1774 The school improvement rating shall be based on a comparison of  
1775 each student's current year and previous year performance.

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1776 Schools that improve at least one level or maintain an  
1777 "improving" rating pursuant to this section are eligible for  
1778 school recognition awards pursuant to s. 1008.36.

1779 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.--Student  
1780 assessment data used in determining an alternative school's  
1781 school improvement rating shall include:

1782 (a) The aggregate scores of all eligible students who were  
1783 assigned to and enrolled in the school during the October or  
1784 February FTE count, who have been assessed on the FCAT, and who  
1785 have FCAT or comparable scores for the preceding school year.

1786 (b) The aggregate scores of all eligible students who were  
1787 assigned to and enrolled in the school during the October or  
1788 February FTE count, who have been assessed on the FCAT,  
1789 including Florida Writes, and who have scored in the lowest 25th  
1790 percentile of students in the state on FCAT Reading.

1791  
1792 The scores of students who are subject to district school board  
1793 policies for expulsion for repeated or serious offenses, who are  
1794 in dropout retrieval programs serving students who have  
1795 officially been designated as dropouts, or who are in Department  
1796 of Juvenile Justice operated and contracted programs shall not  
1797 be included in an alternative school's school improvement  
1798 rating.

1799 (4) IDENTIFICATION OF STUDENT LEARNING GAINS.--For each  
1800 alternative school receiving a school improvement rating, the  
1801 Department of Education shall annually identify the percentage  
1802 of students making learning gains as compared to the percentage

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1803 | of the same students making learning gains in their home schools  
1804 | in the year prior to being assigned to the alternative school.

1805 |       (5) SCHOOL REPORT CARD.--The Department of Education shall  
1806 | annually develop, in collaboration with the school districts, a  
1807 | school report card for alternative schools to be delivered to  
1808 | parents throughout each school district. The report card shall  
1809 | include the school improvement rating, identification of student  
1810 | learning gains, information regarding school improvement, an  
1811 | explanation of school performance as evaluated by the federal No  
1812 | Child Left Behind Act of 2001, and indicators of return on  
1813 | investment.

1814 |       (6) RULES.--The State Board of Education shall adopt rules  
1815 | pursuant to ss. 120.536(1) and 120.54 to implement the  
1816 | provisions of this section.

1817 |       Section 32. Subsection (5), paragraphs (b) and (d) of  
1818 | subsection (6), and subsection (7) of section 1008.345, Florida  
1819 | Statutes, are amended to read:

1820 |       1008.345 Implementation of state system of school  
1821 | improvement and education accountability.--

1822 |       (5) The commissioner shall report to the Legislature and  
1823 | recommend changes in state policy necessary to foster school  
1824 | improvement and education accountability. Included in the report  
1825 | shall be a list of the schools, including schools operating for  
1826 | the purpose of providing educational services to youth in  
1827 | Department of Juvenile Justice programs, for which district  
1828 | school boards have developed assistance and intervention plans  
1829 | and an analysis of the various strategies used by the school

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1830 boards. School reports shall be distributed pursuant to this  
1831 subsection and s. 1001.42(16)(f)~~(e)~~ and according to rules  
1832 adopted by the State Board of Education.

1833 (6)

1834 (b) Upon request, the department shall provide technical  
1835 assistance and training to any school, including any school  
1836 operating for the purpose of providing educational services to  
1837 youth in Department of Juvenile Justice programs, school  
1838 advisory council, district, or district school board for  
1839 conducting needs assessments, developing and implementing school  
1840 improvement plans, developing and implementing assistance and  
1841 intervention plans, or implementing other components of school  
1842 improvement and accountability. Priority for these services  
1843 shall be given to schools designated with a as ~~performance~~ grade  
1844 of category "D" or "F" and school districts in rural and  
1845 sparsely populated areas of the state.

1846 (d) The department shall assign a community assessment  
1847 team to each school district with a school designated with a as  
1848 ~~performance~~ grade of category "D" or "F" to review the school  
1849 performance data and determine causes for the low performance.  
1850 The team shall make recommendations to the school board, to the  
1851 department, and to the State Board of Education for implementing  
1852 an assistance and intervention plan that will address the causes  
1853 of the school's low performance. The assessment team shall  
1854 include, but not be limited to, a department representative,  
1855 parents, business representatives, educators, and community

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1856 activists, and shall represent the demographics of the community  
1857 from which they are appointed.

1858 (7)(a) Schools designated with a in-performance grade of  
1859 category "A," making excellent progress, shall, if requested by  
1860 the school, be given deregulated status as specified in s.  
1861 1003.63(5), (7), (8), (9), and (10).

1862 (b) Schools that have improved at least two grades  
1863 performance-grade-categories and that meet the criteria of the  
1864 Florida School Recognition Program pursuant to s. 1008.36 may be  
1865 given deregulated status as specified in s. 1003.63(5), (7),  
1866 (8), (9), and (10).

1867 Section 33. Subsections (3), (4), and (5) of section  
1868 1008.36, Florida Statutes, are amended to read:

1869 1008.36 Florida School Recognition Program.--

1870 (3) All public schools, including charter schools, that  
1871 receive a school grade pursuant to s. 1008.34 or a school  
1872 improvement rating pursuant to s. 1008.341 are eligible to  
1873 participate in the program. For the purpose of this section, a  
1874 school or schools serving any combination of kindergarten  
1875 through grade 3 students that do not receive a school grade  
1876 under s. 1008.34 shall be assigned the school grade of the  
1877 feeder pattern school designated by the Department of Education  
1878 and verified by the school district and shall be eligible to  
1879 participate in the program based on that feeder. A "feeder  
1880 school pattern" is defined as a pattern in which at least 60  
1881 percent of the students in the school not receiving a school  
1882 grade are assigned to the graded school.

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1883 (4) All selected schools shall receive financial awards  
1884 depending on the availability of funds appropriated and the  
1885 number and size of schools selected to receive an award. Funds  
1886 must be distributed to the school's fiscal agent and placed in  
1887 the school's account and must be used for purposes listed in  
1888 subsection (5) as determined by the school advisory council  
1889 pursuant to s. 1001.452 in the annual school improvement plan  
1890 required pursuant to s. 1001.42(16)(a). If such a determination  
1891 is not included in the school improvement plan, the school shall  
1892 not be eligible to receive a financial award jointly by the  
1893 school's staff and school advisory council. If school staff and  
1894 the school advisory council cannot reach agreement by November  
1895 1, the awards must be equally distributed to all classroom  
1896 teachers currently teaching in the school.

1897 (5) School recognition awards must be used for the  
1898 following:

1899 (a) Nonrecurring bonuses to the faculty and staff who  
1900 taught at the school during the year of improved performance;

1901 (b) Nonrecurring expenditures for educational equipment,  
1902 ~~or~~ materials, or student incentives to assist in maintaining and  
1903 improving student performance; or

1904 (c) Temporary personnel for the school to assist in  
1905 maintaining and improving student performance.

1906  
1907 Notwithstanding statutory provisions to the contrary, incentive  
1908 awards are not subject to collective bargaining.

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1909 Section 34. Paragraph (h) of subsection (1) of section  
1910 1008.45, Florida Statutes, is amended to read:

1911 1008.45 Community college accountability process.--

1912 (1) It is the intent of the Legislature that a management  
1913 and accountability process be implemented which provides for the  
1914 systematic, ongoing improvement and assessment of the  
1915 improvement of the quality and efficiency of the Florida  
1916 community colleges. Accordingly, the State Board of Education  
1917 and the community college boards of trustees shall develop and  
1918 implement an accountability plan to improve and evaluate the  
1919 instructional and administrative efficiency and effectiveness of  
1920 the Florida Community College System. This plan shall be  
1921 designed in consultation with staff of the Governor and the  
1922 Legislature and must address the following issues:

1923 ~~(h) Other measures as identified by the Council for~~  
1924 ~~Education Policy Research and Improvement and approved by the~~  
1925 ~~State Board of Education.~~

1926 Section 35. Section 1008.51, Florida Statutes, is  
1927 repealed.

1928 Section 36. Paragraphs (f), ((h), (l), (m), and (n) of  
1929 subsection (1) and paragraphs (a) and (b) of subsection (4) of  
1930 section 1011.62, Florida Statutes, are amended, subsections (8)  
1931 and (9) are renumbered as subsections (9) and (10),  
1932 respectively, and amended, and a new subsection (8) is added to  
1933 said section, to read:

1934 1011.62 Funds for operation of schools.--If the annual  
1935 allocation from the Florida Education Finance Program to each

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1936 district for operation of schools is not determined in the  
1937 annual appropriations act or the substantive bill implementing  
1938 the annual appropriations act, it shall be determined as  
1939 follows:

1940 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
1941 OPERATION.--The following procedure shall be followed in  
1942 determining the annual allocation to each district for  
1943 operation:

1944 (f) Supplemental academic instruction; categorical fund.--

1945 1. There is created a categorical fund to provide  
1946 supplemental academic instruction to students in kindergarten  
1947 through grade 12. This paragraph may be cited as the  
1948 "Supplemental Academic Instruction Categorical Fund."

1949 2. Categorical funds for supplemental academic instruction  
1950 shall be allocated annually to each school district in the  
1951 amount provided in the General Appropriations Act. These funds  
1952 shall be in addition to the funds appropriated on the basis of  
1953 FTE student membership in the Florida Education Finance Program  
1954 and shall be included in the total potential funds of each  
1955 district. These funds shall be used to provide supplemental  
1956 academic instruction to students enrolled in the K-12 program.  
1957 Supplemental instruction strategies may include, but are not  
1958 limited to: modified curriculum, reading instruction, after-  
1959 school instruction, tutoring, mentoring, class size reduction,  
1960 extended school year, intensive skills development in summer  
1961 school, and other methods for improving student achievement.  
1962 Supplemental instruction may be provided to a student in any

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1963 manner and at any time during or beyond the regular 180-day term  
1964 identified by the school as being the most effective and  
1965 efficient way to best help that student progress from grade to  
1966 grade and to graduate.

1967 3. Effective with the 1999-2000 fiscal year, funding on  
1968 the basis of FTE membership beyond the 180-day regular term  
1969 shall be provided in the FEFP only for students enrolled in  
1970 juvenile justice education programs or in an education program  
1971 for juveniles under s. 985.223. Funding for instruction beyond  
1972 the regular 180-day school year for all other K-12 students  
1973 shall be provided through the supplemental academic instruction  
1974 categorical fund and other state, federal, and local fund  
1975 sources with ample flexibility for schools to provide  
1976 supplemental instruction to assist students in progressing from  
1977 grade to grade and graduating.

1978 4. The Florida State University School, as a lab school,  
1979 is authorized to expend from its FEFP or Lottery Enhancement  
1980 Trust Fund allocation the cost to the student of remediation in  
1981 reading, writing, or mathematics for any graduate who requires  
1982 remediation at a postsecondary educational institution.

1983 5. Beginning in the 1999-2000 school year, dropout  
1984 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
1985 (b), and (c), and 1003.54 shall be included in group 1 programs  
1986 under subparagraph (d)3.

1987 (h) Small, isolated high schools.--Districts which levy  
1988 the maximum nonvoted discretionary millage, exclusive of millage  
1989 for capital outlay purposes levied pursuant to s. 1011.71(2),

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1990 may calculate full-time equivalent students for small, isolated  
1991 high schools by multiplying the number of unweighted full-time  
1992 equivalent students times 2.75; provided the school has attained  
1993 a state accountability ~~performance~~ grade ~~category~~ of "C" or  
1994 better, pursuant to s. 1008.34, for the previous school year.  
1995 For the purpose of this section, the term "small, isolated high  
1996 school" means any high school which is located no less than 28  
1997 miles by the shortest route from another high school; which has  
1998 been serving students primarily in basic studies provided by  
1999 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
2000 (c)4.; and which has a membership of no more than 100 students,  
2001 but no fewer than 28 students, in grades 9 through 12.

2002 (1) Calculation of additional full-time equivalent  
2003 membership based on international baccalaureate examination  
2004 scores of students.--A value of 0.24 full-time equivalent  
2005 student membership shall be calculated for each student enrolled  
2006 in an international baccalaureate course who receives a score of  
2007 4 or higher on a subject examination. A value of 0.3 full-time  
2008 equivalent student membership shall be calculated for each  
2009 student who receives an international baccalaureate diploma.  
2010 Such value shall be added to the total full-time equivalent  
2011 student membership in basic programs for grades 9 through 12 in  
2012 the subsequent fiscal year. The school district shall distribute  
2013 to each classroom teacher who provided international  
2014 baccalaureate instruction:

2015 1. A bonus in the amount of \$50 for each student taught by  
2016 the International Baccalaureate teacher in each international

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2017 | baccalaureate course who receives a score of 4 or higher on the  
2018 | international baccalaureate examination.

2019 |         2. An additional bonus of \$500 to each International  
2020 | Baccalaureate teacher in a school designated with a performance  
2021 | grade of category "D" or "F" who has at least one student  
2022 | scoring 4 or higher on the international baccalaureate  
2023 | examination, regardless of the number of classes taught or of  
2024 | the number of students scoring a 4 or higher on the  
2025 | international baccalaureate examination.

2026 |  
2027 | Bonuses awarded to a teacher according to this paragraph shall  
2028 | not exceed \$2,000 in any given school year and shall be in  
2029 | addition to any regular wage or other bonus the teacher received  
2030 | or is scheduled to receive.

2031 |         (m) Calculation of additional full-time equivalent  
2032 | membership based on Advanced International Certificate of  
2033 | Education examination scores of students.--A value of 0.24 full-  
2034 | time equivalent student membership shall be calculated for each  
2035 | student enrolled in a full-credit Advanced International  
2036 | Certificate of Education course who receives a score of 2 or  
2037 | higher on a subject examination. A value of 0.12 full-time  
2038 | equivalent student membership shall be calculated for each  
2039 | student enrolled in a half-credit Advanced International  
2040 | Certificate of Education course who receives a score of 1 or  
2041 | higher on a subject examination. A value of 0.3 full-time  
2042 | equivalent student membership shall be calculated for each  
2043 | student who received an Advanced International Certificate of

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2044 Education diploma. Such value shall be added to the total full-  
2045 time equivalent student membership in basic programs for grades  
2046 9 through 12 in the subsequent fiscal year. The school district  
2047 shall distribute to each classroom teacher who provided Advanced  
2048 International Certificate of Education instruction:

2049 1. A bonus in the amount of \$50 for each student taught by  
2050 the Advanced International Certificate of Education teacher in  
2051 each full-credit Advanced International Certificate of Education  
2052 course who receives a score of 2 or higher on the Advanced  
2053 International Certificate of Education examination. A bonus in  
2054 the amount of \$25 for each student taught by the Advanced  
2055 International Certificate of Education teacher in each half-  
2056 credit Advanced International Certificate of Education course  
2057 who receives a score of 1 or higher on the Advanced  
2058 International Certificate of Education examination.

2059 2. An additional bonus of \$500 to each Advanced  
2060 International Certificate of Education teacher in a school  
2061 designated with a performance grade of category "D" or "F" who  
2062 has at least one student scoring 2 or higher on the full-credit  
2063 Advanced International Certificate of Education examination,  
2064 regardless of the number of classes taught or of the number of  
2065 students scoring a 2 or higher on the full-credit Advanced  
2066 International Certificate of Education examination.

2067 3. Additional bonuses of \$250 each to teachers of half-  
2068 credit Advanced International Certificate of Education classes  
2069 in a school designated with a performance grade of category "D"  
2070 or "F" which has at least one student scoring a 1 or higher on

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2071 the half-credit Advanced International Certificate of Education  
2072 examination in that class. The maximum additional bonus for a  
2073 teacher awarded in accordance with this subparagraph shall not  
2074 exceed \$500 in any given school year. Teachers receiving an  
2075 award under subparagraph 2. are not eligible for a bonus under  
2076 this subparagraph.

2077  
2078 Bonuses awarded to a teacher according to this paragraph shall  
2079 not exceed \$2,000 in any given school year and shall be in  
2080 addition to any regular wage or other bonus the teacher received  
2081 or is scheduled to receive.

2082 (n) Calculation of additional full-time equivalent  
2083 membership based on college board advanced placement scores of  
2084 students.--A value of 0.24 full-time equivalent student  
2085 membership shall be calculated for each student in each advanced  
2086 placement course who receives a score of 3 or higher on the  
2087 College Board Advanced Placement Examination for the prior year  
2088 and added to the total full-time equivalent student membership  
2089 in basic programs for grades 9 through 12 in the subsequent  
2090 fiscal year. Each district must allocate at least 80 percent of  
2091 the funds provided to the district for advanced placement  
2092 instruction, in accordance with this paragraph, to the high  
2093 school that generates the funds. The school district shall  
2094 distribute to each classroom teacher who provided advanced  
2095 placement instruction:

2096 1. A bonus in the amount of \$50 for each student taught by  
2097 the Advanced Placement teacher in each advanced placement course

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2098 | who receives a score of 3 or higher on the College Board  
2099 | Advanced Placement Examination.

2100 |         2. An additional bonus of \$500 to each Advanced Placement  
2101 | teacher in a school designated with a performance grade of  
2102 | ~~category~~ "D" or "F" who has at least one student scoring 3 or  
2103 | higher on the College Board Advanced Placement Examination,  
2104 | regardless of the number of classes taught or of the number of  
2105 | students scoring a 3 or higher on the College Board Advanced  
2106 | Placement Examination.

2107 |  
2108 | Bonuses awarded to a teacher according to this paragraph shall  
2109 | not exceed \$2,000 in any given school year and shall be in  
2110 | addition to any regular wage or other bonus the teacher received  
2111 | or is scheduled to receive.

2112 |         (4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.--The  
2113 | Legislature shall prescribe the aggregate required local effort  
2114 | for all school districts collectively as an item in the General  
2115 | Appropriations Act for each fiscal year. The amount that each  
2116 | district shall provide annually toward the cost of the Florida  
2117 | Education Finance Program for kindergarten through grade 12  
2118 | programs shall be calculated as follows:

2119 |         (a) Estimated taxable value calculations.--

2120 |             1.a. Not later than 2 working days prior to July 19, the  
2121 | Department of Revenue shall certify to the Commissioner of  
2122 | Education its most recent estimate of the taxable value for  
2123 | school purposes in each school district and the total for all  
2124 | school districts in the state for the current calendar year

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2125 based on the latest available data obtained from the local  
2126 property appraisers. Not later than July 19, the Commissioner of  
2127 Education shall compute a millage rate, rounded to the next  
2128 highest one one-thousandth of a mill, which, when applied to 95  
2129 percent of the estimated state total taxable value for school  
2130 purposes, would generate the prescribed aggregate required local  
2131 effort for that year for all districts. The Commissioner of  
2132 Education shall certify to each district school board the  
2133 millage rate, computed as prescribed in this subparagraph, as  
2134 the minimum millage rate necessary to provide the district  
2135 required local effort for that year.

2136       b. The General Appropriations Act shall direct the  
2137 computation of the statewide adjusted aggregate amount for  
2138 required local effort for all school districts collectively from  
2139 ad valorem taxes to ensure that no school district's revenue  
2140 from required local effort millage will produce more than 90  
2141 percent of the district's total Florida Education Finance  
2142 Program calculation, and the adjustment of the required local  
2143 effort millage rate of each district that produces more than 90  
2144 percent of its total Florida Education Finance Program  
2145 entitlement to a level that will produce only 90 percent of its  
2146 total Florida Education Finance Program entitlement in the July  
2147 calculation.

2148       2. As revised data are received from property appraisers,  
2149 the Department of Revenue shall amend the certification of the  
2150 estimate of the taxable value for school purposes. The  
2151 Commissioner of Education, in administering the provisions of

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2152 subparagraph (10)~~(9)~~(a)2., shall use the most recent taxable  
2153 value for the appropriate year.

2154 (b) Final calculation.--

2155 1. The Department of Revenue shall, upon receipt of the  
2156 official final assessed value of property from each of the  
2157 property appraisers, certify to the Commissioner of Education  
2158 the taxable value total for school purposes in each school  
2159 district, subject to the provisions of paragraph (d). The  
2160 commissioner shall use the official final taxable value for  
2161 school purposes for each school district in the final  
2162 calculation of the annual Florida Education Finance Program  
2163 allocations.

2164 2. For the purposes of this paragraph, the official final  
2165 taxable value for school purposes shall be the taxable value for  
2166 school purposes on which the tax bills are computed and mailed  
2167 to the taxpayers, adjusted to reflect final administrative  
2168 actions of value adjustment boards and judicial decisions  
2169 pursuant to part I of chapter 194. By September 1 of each year,  
2170 the Department of Revenue shall certify to the commissioner the  
2171 official prior year final taxable value for school purposes. For  
2172 each county that has not submitted a revised tax roll reflecting  
2173 final value adjustment board actions and final judicial  
2174 decisions, the Department of Revenue shall certify the most  
2175 recent revision of the official taxable value for school  
2176 purposes. The certified value shall be the final taxable value  
2177 for school purposes, and no further adjustments shall be made,  
2178 except those made pursuant to subparagraph (10)~~(9)~~(a)2.

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2179 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

2180 (a) The research-based reading instruction allocation is  
2181 created to provide comprehensive reading instruction to students  
2182 in kindergarten through grade 12.

2183 (b) Funds for comprehensive, research-based reading  
2184 instruction shall be allocated annually to each school district  
2185 in the amount provided in the General Appropriations Act. Each  
2186 eligible school district shall receive the same minimum amount  
2187 as specified in the General Appropriations Act, and any  
2188 remaining funds shall be distributed to eligible school  
2189 districts based on each school district's proportionate share of  
2190 K-12 base funding.

2191 (c) Funds must be used to provide a system of  
2192 comprehensive reading instruction to students enrolled in the K-  
2193 12 programs, which may include the following:

2194 1. The provision of highly qualified reading coaches.

2195 2. Professional development for school district teachers  
2196 in scientifically based reading instruction.

2197 3. The provision of summer reading camps for students who  
2198 score at Level 1 on FCAT Reading.

2199 4. The provision of supplemental instructional materials  
2200 that are grounded in scientifically based reading research, and  
2201 comprehensive training in their use, for which teachers shall  
2202 receive inservice credit. Each school district, in partnership  
2203 with the publisher of the material, shall provide the training  
2204 and the school district shall certify that the teacher has

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2205 achieved mastery in using the material correctly. Data on this  
2206 training shall be collected by the Department of Education.

2207 5. The provision of intensive interventions for middle and  
2208 high school students reading below grade level.

2209 (d) Annually, by a date determined by the Department of  
2210 Education but before May 1, school districts shall submit a plan  
2211 for the specific use of the research-based reading instruction  
2212 allocation in the format prescribed by the department for review  
2213 and approval by the Just Read, Florida! Office created pursuant  
2214 to s. 1001.215. The plan annually submitted by school districts  
2215 shall be deemed approved unless the department rejects the plan  
2216 on or before June 1. If a school district and the Just Read,  
2217 Florida! Office cannot reach agreement on the contents of the  
2218 plan, the school district may appeal to the State Board of  
2219 Education. The plan format shall be developed with input from  
2220 school district personnel, including teachers and principals,  
2221 and shall allow courses in core, career, and alternative  
2222 programs that deliver intensive reading remediation through  
2223 integrated curricula. No later than July 1 annually, the  
2224 department shall release the school district's allocation of  
2225 appropriated funds to those districts with approved plans. A  
2226 school district that spends 100 percent of this allocation on  
2227 its approved plan shall be deemed to have been in compliance  
2228 with the plan. The department may withhold funds upon a  
2229 determination that reading instruction allocation funds are not  
2230 being used to implement the approved plan.

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2231        ~~(9)~~~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may  
2232 annually in the General Appropriations Act determine a  
2233 percentage increase in funds per K-12 unweighted FTE as a  
2234 minimum guarantee to each school district. The guarantee shall  
2235 be calculated from prior year base funding per unweighted FTE  
2236 student which shall include the adjusted FTE dollars as provided  
2237 in subsection ~~(10)~~~~(9)~~, quality guarantee funds, and actual  
2238 nonvoted discretionary local effort from taxes. From the base  
2239 funding per unweighted FTE, the increase shall be calculated for  
2240 the current year. The current year funds from which the  
2241 guarantee shall be determined shall include the adjusted FTE  
2242 dollars as provided in subsection ~~(10)~~~~(9)~~ and potential nonvoted  
2243 discretionary local effort from taxes. A comparison of current  
2244 year funds per unweighted FTE to prior year funds per unweighted  
2245 FTE shall be computed. For those school districts which have  
2246 less than the legislatively assigned percentage increase, funds  
2247 shall be provided to guarantee the assigned percentage increase  
2248 in funds per unweighted FTE student. Should appropriated funds  
2249 be less than the sum of this calculated amount for all  
2250 districts, the commissioner shall prorate each district's  
2251 allocation. This provision shall be implemented to the extent  
2252 specifically funded.

2253        ~~(10)~~~~(9)~~ TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
2254 FOR CURRENT OPERATION.--The total annual state allocation to  
2255 each district for current operation for the FEFP shall be  
2256 distributed periodically in the manner prescribed in the General  
2257 Appropriations Act.

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2258 (a) The basic amount for current operation for the FEFP as  
2259 determined in subsection (1), multiplied by the district cost  
2260 differential factor as determined in subsection (2), plus the  
2261 amounts provided for categorical components within the FEFP,  
2262 plus the amount for the sparsity supplement as determined in  
2263 subsection (6), the decline in full-time equivalent students as  
2264 determined in subsection (7), the research-based reading  
2265 instruction allocation as determined in subsection (8), and the  
2266 quality assurance guarantee as determined in subsection (9)~~(8)~~,  
2267 less the required local effort as determined in subsection (4).  
2268 If the funds appropriated for the purpose of funding the total  
2269 amount for current operation as provided in this paragraph are  
2270 not sufficient to pay the state requirement in full, the  
2271 department shall prorate the available state funds to each  
2272 district in the following manner:

2273 1. Determine the percentage of proration by dividing the  
2274 sum of the total amount for current operation, as provided in  
2275 this paragraph for all districts collectively, and the total  
2276 district required local effort into the sum of the state funds  
2277 available for current operation and the total district required  
2278 local effort.

2279 2. Multiply the percentage so determined by the sum of the  
2280 total amount for current operation as provided in this paragraph  
2281 and the required local effort for each individual district.

2282 3. From the product of such multiplication, subtract the  
2283 required local effort of each district; and the remainder shall

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2284 be the amount of state funds allocated to the district for  
2285 current operation.

2286 (b) The amount thus obtained shall be the net annual  
2287 allocation to each school district. However, if it is determined  
2288 that any school district received an underallocation or  
2289 overallocation for any prior year because of an arithmetical  
2290 error, assessment roll change, full-time equivalent student  
2291 membership error, or any allocation error revealed in an audit  
2292 report, the allocation to that district shall be appropriately  
2293 adjusted. Beginning with audits for the 2001-2002 fiscal year,  
2294 if the adjustment is the result of an audit finding in which  
2295 group 2 FTE are reclassified to the basic program and the  
2296 district weighted FTE are over the weighted enrollment ceiling  
2297 for group 2 programs, the adjustment shall not result in a gain  
2298 of state funds to the district. If the Department of Education  
2299 audit adjustment recommendation is based upon controverted  
2300 findings of fact, the Commissioner of Education is authorized to  
2301 establish the amount of the adjustment based on the best  
2302 interests of the state.

2303 (c) The amount thus obtained shall represent the net  
2304 annual state allocation to each district; however,  
2305 notwithstanding any of the provisions herein, each district  
2306 shall be guaranteed a minimum level of funding in the amount and  
2307 manner prescribed in the General Appropriations Act.

2308 Section 37. Paragraph (a) of subsection (2) of section  
2309 1011.64, Florida Statutes, is amended to read:

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2310 1011.64 School district minimum classroom expenditure  
2311 requirements.--

2312 (2) For the purpose of implementing the provisions of this  
2313 section, the Legislature shall prescribe minimum academic  
2314 performance standards and minimum classroom expenditure  
2315 requirements for districts not meeting such minimum academic  
2316 performance standards in the General Appropriations Act.

2317 (a) Minimum academic performance standards may be based  
2318 on, but are not limited to, district ~~performance~~ grades  
2319 determined pursuant to s. 1008.34(7)~~(8)~~.

2320 Section 38. Paragraph (b) of subsection (2) of section  
2321 1011.685, Florida Statutes, is amended to read:

2322 1011.685 Class size reduction; operating categorical  
2323 fund.--

2324 (2) Class size reduction operating categorical funds shall  
2325 be used by school districts for the following:

2326 (b) For any lawful operating expenditure, if the district  
2327 has met the constitutional maximums identified in s. 1003.03(1)  
2328 or the reduction of two students per year required by s.  
2329 1003.03(2); however, priority shall be given to increase  
2330 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
2331 and to implement the differentiated-pay provisions detailed in  
2332 s. 1012.2312 ~~salary career ladder defined in s. 1012.231~~.

2333 Section 39. Subsection (1) of section 1011.71, Florida  
2334 Statutes, is amended, and subsection (7) is added to said  
2335 section, to read:

2336 1011.71 District school tax.--

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2337 (1) If the district school tax is not provided in the  
2338 General Appropriations Act or the substantive bill implementing  
2339 the General Appropriations Act, each district school board  
2340 desiring to participate in the state allocation of funds for  
2341 current operation as prescribed by s. 1011.62~~(10)~~<sup>(9)</sup> shall levy  
2342 on the taxable value for school purposes of the district,  
2343 exclusive of millage voted under the provisions of s. 9(b) or s.  
2344 12, Art. VII of the State Constitution, a millage rate not to  
2345 exceed the amount certified by the commissioner as the minimum  
2346 millage rate necessary to provide the district required local  
2347 effort for the current year, pursuant to s. 1011.62(4)(a)1. In  
2348 addition to the required local effort millage levy, each  
2349 district school board may levy a nonvoted current operating  
2350 discretionary millage. The Legislature shall prescribe annually  
2351 in the appropriations act the maximum amount of millage a  
2352 district may levy. The millage rate prescribed shall exceed zero  
2353 mills but shall not exceed the lesser of 1.6 mills or 25 percent  
2354 of the millage which is required pursuant to s. 1011.62(4),  
2355 exclusive of millage levied pursuant to subsection (2).

2356 (7) Notwithstanding subsections (2) and (5), a district  
2357 school board may expend funds generated under this section to  
2358 purchase the property and casualty insurance associated with the  
2359 educational plant of the district. Any operating revenues made  
2360 available through this section shall be expended only for  
2361 nonrecurring operational expenditures of the school district.

2362 Section 40. Subsection (6) is added to section 1012.21,  
2363 Florida Statutes, to read:

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2364 1012.21 Department of Education duties; K-12 personnel.--  
2365 (6) REPORTING.--The Department of Education shall annually  
2366 post online the collective bargaining contracts of each school  
2367 district received pursuant to s. 1012.22. The department shall  
2368 prescribe the computer format for district school boards to  
2369 provide the information.

2370 Section 41. Paragraph (c) of subsection (1) of section  
2371 1012.22, Florida Statutes, is amended, and subsection (3) is  
2372 added to said section, to read:

2373 1012.22 Public school personnel; powers and duties of the  
2374 district school board.--The district school board shall:

2375 (1) Designate positions to be filled, prescribe  
2376 qualifications for those positions, and provide for the  
2377 appointment, compensation, promotion, suspension, and dismissal  
2378 of employees as follows, subject to the requirements of this  
2379 chapter:

2380 (c) Compensation and salary schedules.--

2381 1. The district school board shall adopt a salary schedule  
2382 or salary schedules designed to furnish incentives for  
2383 improvement in training and for continued efficient service to  
2384 be used as a basis for paying all school employees and fix and  
2385 authorize the compensation of school employees on the basis  
2386 thereof.

2387 2. A district school board, in determining the salary  
2388 schedule for instructional personnel, must base a portion of  
2389 each employee's compensation on performance demonstrated under  
2390 s. 1012.34, must consider the prior teaching experience of a

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2391 person who has been designated state teacher of the year by any  
2392 state in the United States, and must consider prior professional  
2393 experience in the field of education gained in positions in  
2394 addition to district level instructional and administrative  
2395 positions.

2396 3. In developing the salary schedule, the district school  
2397 board shall seek input from parents, teachers, and  
2398 representatives of the business community.

2399 ~~4. Beginning with the 2002-2003 fiscal year, each district~~  
2400 ~~school board must adopt a performance-pay policy for school~~  
2401 ~~administrators and instructional personnel. The district's~~  
2402 ~~performance-pay policy is subject to negotiation as provided in~~  
2403 ~~chapter 447; however, the adopted salary schedule must allow~~  
2404 ~~school administrators and instructional personnel who~~  
2405 ~~demonstrate outstanding performance, as measured under s.~~  
2406 ~~1012.34, to earn a 5-percent supplement in addition to their~~  
2407 ~~individual, negotiated salary. The supplements shall be funded~~  
2408 ~~from the performance-pay reserve funds adopted in the salary~~  
2409 ~~schedule. Beginning with the 2004-2005 academic year, the~~  
2410 ~~district's 5-percent performance-pay policy must provide for the~~  
2411 ~~evaluation of classroom teachers within each level of the salary~~  
2412 ~~career ladder provided in s. 1012.231. The Commissioner of~~  
2413 ~~Education shall determine whether the district school board's~~  
2414 ~~adopted salary schedule complies with the requirement for~~  
2415 ~~performance-based pay. If the district school board fails to~~  
2416 ~~comply with this section, the commissioner shall withhold~~

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2417 ~~disbursements from the Educational Enhancement Trust Fund to the~~  
2418 ~~district until compliance is verified.~~

2419 (3) Annually provide to the Department of Education the  
2420 negotiated collective bargaining contract for the school  
2421 district. The district school board shall report in the computer  
2422 format prescribed by the department pursuant to s. 1012.21.

2423 Section 42. Section 1012.231, Florida Statutes, is  
2424 repealed.

2425 Section 43. Section 1012.2312, Florida Statutes, is  
2426 created to read:

2427 1012.2312 Differentiated pay for instructional  
2428 personnel.--

2429 (1) Beginning with the 2005-2006 fiscal year, each  
2430 district school board shall have a differentiated-pay policy for  
2431 instructional personnel and incorporate it into the school  
2432 district's salary schedule.

2433 (2) The differentiated-pay policy may be subject to  
2434 negotiation as provided in chapter 447; however, the adopted  
2435 salary schedule must allow instructional personnel to receive  
2436 differentiated pay based upon school district determined  
2437 factors, including, but not limited to, each of the following:

2438 (a) The subject areas taught, with classroom teachers who  
2439 teach in critical shortage areas receiving higher pay.

2440 (b) The economic demographics of the school, with  
2441 instructional personnel in schools that have a majority of  
2442 students who qualify for free or reduced-price lunches receiving  
2443 higher pay.

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2444 (c) Additional responsibilities of instructional  
2445 personnel, including, but not limited to, lead and mentoring  
2446 responsibilities.

2447 (d) A performance-pay policy that rewards high-performing  
2448 instructional personnel with at least a 5-percent performance-  
2449 pay incentive.

2450  
2451 The differentiated pay provided in the salary schedule for each  
2452 of the factors specified in paragraphs (a)-(d) shall provide an  
2453 incentive.

2454 (3) The Commissioner of Education shall determine whether  
2455 the district school board's adopted salary schedule complies  
2456 with the requirements in subsection (2). If the salary schedule  
2457 does not comply, the commissioner shall report the noncompliance  
2458 and make recommendations regarding the noncompliance to the  
2459 State Board of Education, the President of the Senate, and the  
2460 Speaker of the House of Representatives.

2461 Section 44. Section 1012.2313, Florida Statutes, is  
2462 created to read:

2463 1012.2313 Differentiated pay for school administrators.--

2464 (1) Beginning with the 2005-2006 fiscal year, each  
2465 district school board shall have a differentiated-pay policy for  
2466 school administrators and incorporate it into the school  
2467 district's salary schedule.

2468 (2) The adopted salary schedule must allow school  
2469 administrators to receive differentiated pay based upon school

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2470 district determined factors, including, but not limited to, each  
2471 of the following:

2472 (a) The economic demographics of the school, with school  
2473 administrators in schools that have a majority of students who  
2474 qualify for free or reduced-price lunches receiving higher pay.

2475 (b) A performance-pay policy that rewards high-performing  
2476 school administrators with at least a 5-percent performance-pay  
2477 incentive.

2478  
2479 The differentiated pay provided in the salary schedule for each  
2480 of the factors specified in paragraphs (a) and (b) shall provide  
2481 an incentive.

2482 (3) The Commissioner of Education shall determine whether  
2483 the district school board's adopted salary schedule complies  
2484 with the requirements in subsection (2). If the salary schedule  
2485 does not comply, the commissioner shall report the noncompliance  
2486 and make recommendations regarding the noncompliance to the  
2487 State Board of Education, the President of the Senate, and the  
2488 Speaker of the House of Representatives.

2489 Section 45. Section 1012.2315, Florida Statutes, is  
2490 created to read:

2491 1012.2315 Assignment of teachers.--

2492 (1) LEGISLATIVE FINDINGS AND INTENT.--The Legislature  
2493 finds disparity between teachers assigned to teach in a majority  
2494 of "A" schools compared to teachers assigned to teach in a  
2495 majority of "F" schools. The disparity can be found in the  
2496 average years of experience, median salary, and the performance

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2497 of the teachers on teacher certification examinations. It is the  
2498 intent of the Legislature that district school boards have  
2499 flexibility through the collective bargaining process to assign  
2500 teachers more equitably across the schools in the district.

2501 (2) ASSIGNMENT TO "D" and "F" SCHOOLS.--School districts  
2502 may not assign a higher percentage than the school district  
2503 average of first-time teachers, temporarily certified teachers,  
2504 teachers in need of improvement, or out-of-field teachers to  
2505 schools with above the school district average of minority and  
2506 economically disadvantaged students or schools that are graded  
2507 "D" or "F." Each school district shall annually certify to the  
2508 Commissioner of Education that this requirement has been met. If  
2509 the commissioner determines that a school district is not in  
2510 compliance with this subsection, the State Board of Education  
2511 shall be notified and shall take action pursuant to s. 1008.32  
2512 in the next regularly scheduled meeting to require compliance.

2513 (3) SALARY INCENTIVES.--District school boards are  
2514 authorized to provide salary incentives to meet the requirement  
2515 of subsection (2). No district school board shall sign a  
2516 collective bargaining agreement that precludes the school  
2517 district from providing sufficient incentives to meet this  
2518 requirement.

2519 (4) COLLECTIVE BARGAINING.--Notwithstanding provisions of  
2520 chapter 447 relating to district school board collective  
2521 bargaining, collective bargaining provisions may not preclude a  
2522 school district from providing incentives to high-quality  
2523 teachers and assigning such teachers to low-performing schools.

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2524 Section 46. Subsection (2) of section 1012.27, Florida  
2525 Statutes, is amended to read:

2526 1012.27 Public school personnel; powers and duties of  
2527 district school superintendent.--The district school  
2528 superintendent is responsible for directing the work of the  
2529 personnel, subject to the requirements of this chapter, and in  
2530 addition the district school superintendent shall perform the  
2531 following:

2532 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
2533 recommend to the district school board for adoption a salary  
2534 schedule or salary schedules. The district school superintendent  
2535 must recommend a salary schedule for instructional personnel  
2536 which bases a portion of each employee's compensation on  
2537 performance demonstrated under s. 1012.34. In developing the  
2538 recommended salary schedule, the district school superintendent  
2539 shall include input from parents, teachers, and representatives  
2540 of the business community. Beginning with the 2005-2006 ~~2004-~~  
2541 ~~2005~~ academic year, the recommended salary schedule for  
2542 classroom teachers shall be consistent with the district's  
2543 differentiated-pay policy ~~career ladder~~ based upon s. 1012.2312  
2544 ~~1012.231~~.

2545 Section 47. Paragraph (a) of subsection (3) of section  
2546 1012.34, Florida Statutes, is amended to read:

2547 1012.34 Assessment procedures and criteria.--

2548 (3) The assessment procedure for instructional personnel  
2549 and school administrators must be primarily based on the  
2550 performance of students assigned to their classrooms or schools,

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2551 as appropriate. Pursuant to this section, a school district's  
2552 performance assessment is not limited to basing unsatisfactory  
2553 performance of instructional personnel and school administrators  
2554 upon student performance, but may include other criteria  
2555 approved to assess instructional personnel and school  
2556 administrators' performance, or any combination of student  
2557 performance and other approved criteria. The procedures must  
2558 comply with, but are not limited to, the following requirements:

2559 (a) An assessment must be conducted for each employee at  
2560 least once a year. The assessment must be based upon sound  
2561 educational principles and contemporary research in effective  
2562 educational practices. The assessment must primarily use data  
2563 and indicators of improvement in student performance assessed  
2564 annually as specified in s. 1008.22 and may consider results of  
2565 peer reviews in evaluating the employee's performance. Student  
2566 performance must be measured by state assessments required under  
2567 s. 1008.22 and by local assessments for subjects and grade  
2568 levels not measured by the state assessment program. The  
2569 assessment criteria must include, but are not limited to,  
2570 indicators that relate to the following:

- 2571 1. Performance of students.  
2572 2. Ability to maintain appropriate discipline.  
2573 3. Knowledge of subject matter. The district school board  
2574 shall make special provisions for evaluating teachers who are  
2575 assigned to teach out-of-field.  
2576 4. Ability to plan and deliver instruction, ~~including~~  
2577 ~~implementation of the rigorous reading requirement pursuant to~~

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2578 | ~~s. 1003.415, when applicable,~~ and the use of technology in the  
2579 | classroom.

2580 | 5. Ability to evaluate instructional needs.

2581 | 6. Ability to establish and maintain a positive  
2582 | collaborative relationship with students' families to increase  
2583 | student achievement.

2584 | 7. Other professional competencies, responsibilities, and  
2585 | requirements as established by rules of the State Board of  
2586 | Education and policies of the district school board.

2587 | Section 48. Section 1012.986, Florida Statutes, is created  
2588 | to read:

2589 | 1012.986 Golden Leadership Academy Program.--

2590 | (1) SHORT TITLE.--This section may be cited as the W.  
2591 | Cecil Golden School Leadership Act.

2592 | (2) CREATION OF PROGRAM.--There is created the Golden  
2593 | Leadership Academy (GLA) Program, a high-quality, competency-  
2594 | based, customized, comprehensive, and coordinated statewide  
2595 | professional development program that is aligned with the  
2596 | leadership standards for school leaders adopted by the State  
2597 | Board of Education. The program shall be administered by the  
2598 | Department of Education and shall provide leadership training  
2599 | opportunities for school leaders to enable them to be more  
2600 | effective instructional leaders, especially in the area of  
2601 | reading. The program shall provide school leaders with the  
2602 | opportunity to attain a school leadership designation pursuant  
2603 | to subsection (3).

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2604       (3) DEFINITION.--As used in this section, the term "school  
2605 leader" means a school principal or assistant principal holding  
2606 a valid Florida certificate in educational leadership.

2607       (4) LEADERSHIP DESIGNATIONS.--The Department of Education  
2608 shall determine annually, in collaboration with school  
2609 principals, thresholds for different leadership designations.  
2610 Criteria must emphasize student achievement and learning gains  
2611 with a special emphasis on learning gains in high schools.

2612       (5) GLA PROGRAM REQUIREMENTS.--

2613       (a) The GLA Program shall be based upon the leadership  
2614 standards adopted by the State Board of Education, the standards  
2615 of the National Staff Development Council, and the federal  
2616 requirements for high-quality professional development under the  
2617 No Child Left Behind Act of 2001.

2618       (b) The GLA Program shall provide a competency-based  
2619 approach that utilizes prediagnostic and postdiagnostic  
2620 evaluations that shall be used to create an individualized  
2621 professional development plan approved by the district school  
2622 superintendent. The plan shall be structured to support the  
2623 school leader's attainment of the leadership standards adopted  
2624 by the State Board of Education.

2625       (c) The GLA Program shall incorporate instructional  
2626 leadership training and effective business practices for  
2627 efficient school operations in school leadership training.

2628       (6) DELIVERY SYSTEM.--The Department of Education shall  
2629 deliver the GLA Program through multiple delivery systems,  
2630 including:

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- 2631        (a) Approved school district training programs.
- 2632        (b) Interactive technology-based instruction.
- 2633        (c) State, regional, or local leadership academies.
- 2634        (6) RULES.--The State Board of Education shall adopt rules
- 2635 pursuant to ss. 120.536(1) and 120.54 to implement the
- 2636 provisions of this section.

2637        Section 49. Section 1012.987, Florida Statutes, is

2638 repealed.

2639        Section 50. Subsection (6) of section 1013.512, Florida

2640 Statutes, is amended to read:

2641        1013.512 Land Acquisition and Facilities Advisory Board.--

2642        (6) Upon certification by the advisory board that

2643 corrective action has been taken, the Legislative Budget

2644 Commission shall release all funds remaining in reserve. Upon

2645 such release, each Land Acquisition and Facilities Advisory

2646 Board shall be disbanded.

2647        Section 51. Charter School Task Force.--

2648        (1) The Charter School Task Force is established to study

2649 and make recommendations regarding charter schools in the state.

2650        (2) The task force shall, at a minimum:

2651        (a) Review current application and sponsorship procedures

2652 used throughout the state for the approval of charter schools.

2653        (b) Examine the sponsorship and organizational structure

2654 of charter schools in other states.

2655        (c) Investigate alternative means available in the state

2656 to implement changes in the sponsorship of charter schools.

2657        (d) Review capital outlay funding for charter schools.

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2658 (e) Determine the necessity and most effective methods for  
2659 the State Board of Education to sanction school districts and  
2660 charter schools for violation of charter school procedural  
2661 requirements.

2662 (f) Conduct meetings throughout the state to receive  
2663 public input and consider policy recommendations on issues  
2664 related to charter schools.

2665 (g) Issue a final report and recommendations by December  
2666 31, 2005, to the Governor, the President of the Senate, and the  
2667 Speaker of the House of Representatives.

2668 (3) The task force shall consist of:

2669 (a) Up to four members of the House of Representatives  
2670 appointed by the Speaker of the House of Representatives.

2671 (b) Up to four members of the Senate appointed by the  
2672 President of the Senate.

2673 (c) Five charter school stakeholders appointed by the  
2674 Governor. The members shall include a representative of a  
2675 charter school, a representative of a school district, a  
2676 representative of a statewide association, and a representative  
2677 with experience in charter school law and may include the  
2678 Commissioner of Education or his or her designee.

2679 (4) The Governor shall appoint the chair of the task force  
2680 from among the appointed members.

2681 (5) Task force members shall serve without compensation  
2682 but are entitled to reimbursement, pursuant to s. 112.061,  
2683 Florida Statutes, for per diem and travel expenses incurred in  
2684 the performance of their official duties.

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2685 (6) The Department of Education shall provide staff  
2686 support for the task force.

2687 Section 52. Subsections (3), (4), (5), (6), and (7) of  
2688 section 20.15, Florida Statutes, are renumbered as subsections  
2689 (4), (5), (6), (7), and (8), respectively, and a new subsection  
2690 (3) is added to said section to read:

2691 20.15 Department of Education.--There is created a  
2692 Department of Education.

2693 (3) DEPUTY COMMISSIONER OF CAREER EDUCATION.--The  
2694 Commissioner of Education shall appoint a Deputy Commissioner of  
2695 Career Education pursuant to s. 1014.15 to direct the Office of  
2696 Career Education established in s. 1001.20(4).

2697 Section 53. Subsection (2) of section 446.032, Florida  
2698 Statutes, is renumbered as subsection (3) and a new subsection  
2699 (2) is added to said section to read:

2700 446.032 General duties of the department for  
2701 apprenticeship training.--The department shall:

2702 (2)(a) Encourage partnerships with registered  
2703 apprenticeship programs as a means to address the community's  
2704 labor market training needs.

2705 (b) Require contracts between local educational agencies  
2706 and apprenticeship sponsors to delineate:

2707 1. The scope of services, including, but not limited to,  
2708 each party's specific obligations regarding the provision of  
2709 equipment, materials, instructors, classroom space, facilities,  
2710 labs, or money.

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2711           2. Service level agreements, including appropriate  
2712 performance measures.

2713           3. A detailed description of the direct cost for each  
2714 service to be delivered pursuant to the scope of services.

2715  
2716 This paragraph shall not be interpreted to require that any  
2717 services or materials must be provided by an apprenticeship  
2718 sponsor if not required in a contract or that payments must be  
2719 made by a local educational agency to an apprenticeship sponsor  
2720 for any services or materials other than those required to be  
2721 delivered pursuant to a contract.

2722           Section 54. Section 446.609, Florida Statutes, is  
2723 repealed.

2724           Section 55. Subsection (2) of section 464.019, Florida  
2725 Statutes, is amended, and subsection (8) is added to said  
2726 section, to read:

2727           464.019 Approval of nursing programs.--

2728           (2)(a) The board shall adopt rules, applicable to initial  
2729 review and conditional approval of a program, regarding  
2730 educational objectives, faculty qualifications, curriculum  
2731 guidelines, administrative procedures, and clinical training. An  
2732 applicant institution shall comply with such rules in order to  
2733 obtain conditional program approval. No program shall be  
2734 considered fully approved, nor shall any program be exempted  
2735 from such rules, prior to the graduation of the program's first  
2736 class.

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2737 (b) The board shall adopt rules regarding educational  
2738 objectives and curriculum guidelines as are necessary to grant  
2739 full approval to a program and to ensure that fully approved  
2740 programs graduate nurses capable of competent practice under  
2741 this part. Rules regarding educational objectives shall consider  
2742 student attrition rate standards, availability of qualified  
2743 faculty, and appropriate clinical training facilities. However,  
2744 the board shall adopt no rule that prohibits a qualified  
2745 institution from placing a student in a facility for clinical  
2746 experience, regardless of whether more than one nursing program  
2747 is using the same facility for clinical experience.

2748 (c) The board shall adopt rules governing probation,  
2749 suspension, and termination status of programs that fail to  
2750 comply with the standards of this part.

2751 (d) The board shall not adopt any rule limiting the number  
2752 of students admitted to a nursing program, provided appropriate  
2753 faculty-to-student ratios are maintained, and provided the board  
2754 shall not enact any changes to faculty-to-student ratios that  
2755 have the effect of limiting capacity in approved nursing  
2756 programs unless such changes are based in scientific research  
2757 prior to 2004.

2758 (e) The board, in conjunction with the Florida Center for  
2759 Nursing, shall conduct a study of research literature to  
2760 evaluate existing rules regarding clinical instruction,  
2761 including an assessment of expanding the use of qualified  
2762 registered nurses as supervisors and simulation as effective  
2763 ways to maximize the opportunities for clinical experiences.

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2764 (8) The board shall work with the Department of Health,  
2765 the Department of Education, and the Florida Center for Nursing  
2766 to assist any approved nursing program with increasing capacity  
2767 to produce more nurses to enter the workforce in the state. Such  
2768 assistance may include, but is not limited to:

2769 (a) Identifying strategies for reducing the demands of  
2770 nonclinical requirements on nursing faculty, including  
2771 consolidating core requirements across nursing majors and tracks  
2772 and identifying courses that are taught in other health and  
2773 medical fields that could be jointly offered, taught by non-  
2774 nurse faculty, or substituted for nursing courses.

2775 (b) Developing alternative models of clinical education  
2776 that reduce the burden on nursing faculty, including expanding  
2777 the use of preceptors, providing more clinical instruction as a  
2778 concentrated clinical experience later in the program, and  
2779 increasing the use of simulators.

2780 Section 56. Subsections (4) and (5) are added to section  
2781 464.0195, Florida Statutes, to read:

2782 464.0195 Florida Center for Nursing; goals; information  
2783 system.--

2784 (4) The Florida Center for Nursing, in collaboration with  
2785 the Department of Health, the Agency for Health Care  
2786 Administration, the Agency for Workforce Innovation, and the  
2787 Department of Education, and in consultation with the Office of  
2788 Program Policy Analysis and Government Accountability, shall  
2789 develop and maintain an information system to assess the  
2790 workforce needs of the nursing profession in the state. The

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2791 information system shall be designed to enable the center to  
2792 produce reliable, comparable, and comprehensive data on the  
2793 nursing workforce in the state; identify potential nursing  
2794 shortages and the areas in which they may occur; assess the  
2795 productivity of approved nursing programs, especially in  
2796 responding to identified workforce needs; and establish a  
2797 registry to link approved nursing programs that need additional  
2798 clinical sites or faculty to expand their capacity with licensed  
2799 health care providers that may be able to assist in meeting such  
2800 needs. Data to support the information system may be collected  
2801 as part of the initial and renewal licensure process for both  
2802 individuals and health care facilities and as part of the Board  
2803 of Nursing program approval process. No later than November 1,  
2804 2005, the Florida Center for Nursing shall submit to the  
2805 President of the Senate and the Speaker of the House of  
2806 Representatives an implementation plan for the information  
2807 system, including projected cost and recommended rule changes  
2808 that may be required to collect the information necessary for  
2809 the system to be successful.

2810 (5) The information system required by subsection (4)  
2811 shall be implemented to the extent funded in the General  
2812 Appropriations Act.

2813 Section 57. Paragraph (v) of subsection (2) of section  
2814 1001.02, Florida Statutes, is amended, and paragraph (i) is  
2815 added to subsection (7) of said section, to read:

2816 1001.02 General powers of State Board of Education.--

2817 (2) The State Board of Education has the following duties:

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2818 (v) To develop, with input from the Board of Governors and  
2819 the independent postsecondary educational institutions in the  
2820 state and periodically review for adjustment, a coordinated 5-  
2821 year plan for postsecondary enrollment ~~and annually submit the~~  
2822 ~~plan to the Legislature.~~ The plan shall indicate the capacity of  
2823 each sector, including state universities, community colleges,  
2824 postsecondary career centers, and independent postsecondary  
2825 educational institutions, to respond to the planned enrollment  
2826 and estimate the costs to the state of expanding capacity if  
2827 necessary to accommodate the enrollment plan. The plan shall be  
2828 periodically reviewed for adjustment and submitted to the  
2829 Governor, the President of the Senate, and the Speaker of the  
2830 House of Representatives no later than December 1 of each year.

2831 (7) The State Board of Education shall:

2832 (i) Adopt by rule policies that address the baccalaureate  
2833 degree programs at community colleges approved pursuant to s.  
2834 1007.33, including, but not limited to, reporting policies and  
2835 performance accountability requirements for both upper-division  
2836 and lower-division programs.

2837 Section 58. Paragraph (f) is added to subsection (4) of  
2838 section 1001.20, Florida Statutes, to read:

2839 1001.20 Department under direction of state board.--

2840 (4) The Department of Education shall establish the  
2841 following offices within the Office of the Commissioner of  
2842 Education which shall coordinate their activities with all other  
2843 divisions and offices:

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2844       (f) Office of Career Education.--Responsible for  
2845 evaluating the effectiveness of public and private secondary and  
2846 postsecondary education programs in providing rigorous career  
2847 education; developing in partnership with the business community  
2848 and Workforce Florida, Inc., a marketing plan for secondary and  
2849 postsecondary career education, including career and  
2850 professional academies, to attract secondary and postsecondary  
2851 students into careers of critical state need; promoting seamless  
2852 articulation throughout the career education system; and  
2853 administering the SUCCEED, FLORIDA! Career Paths Program  
2854 pursuant to s. 1011.97.

2855       Section 59. Subsections (1), (2), and (8) of section  
2856 1001.64, Florida Statutes, are amended to read:

2857       1001.64 Community college boards of trustees; powers and  
2858 duties.--

2859       (1) The boards of trustees shall be responsible for cost-  
2860 effective policy decisions appropriate to the community  
2861 college's mission, the implementation and maintenance of high-  
2862 quality education programs within law and rules of the State  
2863 Board of Education, the measurement of performance, the  
2864 reporting of information, and the provision of input regarding  
2865 state policy, budgeting, and education standards. Community  
2866 colleges may grant baccalaureate degrees pursuant to s. 1007.33  
2867 and shall remain under the authority of the State Board of  
2868 Education in accordance with current statutory provisions  
2869 relating to community colleges as defined in s. 1000.21.

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2870 (2) Each board of trustees is vested with the  
2871 responsibility to govern its respective community college and  
2872 with such necessary authority as is needed for the proper  
2873 operation and improvement thereof in accordance with rules of  
2874 the State Board of Education. This authority includes serving as  
2875 the governing board for purposes of granting baccalaureate  
2876 degrees as authorized in s. 1007.33 and approved by the State  
2877 Board of Education.

2878 (8) Each board of trustees has authority for policies  
2879 related to students, enrollment of students, student records,  
2880 student activities, financial assistance, and other student  
2881 services.

2882 (a) Each board of trustees shall govern admission of  
2883 students pursuant to s. 1007.263 and rules of the State Board of  
2884 Education. A board of trustees may establish additional  
2885 admissions criteria, which shall be included in the district  
2886 interinstitutional articulation agreement developed according to  
2887 s. 1007.235, to ensure student readiness for postsecondary  
2888 instruction. Each board of trustees may consider the past  
2889 actions of any person applying for admission or enrollment and  
2890 may deny admission or enrollment to an applicant because of  
2891 misconduct if determined to be in the best interest of the  
2892 community college.

2893 (b) Each board of trustees shall adopt rules establishing  
2894 student performance standards for the award of degrees and  
2895 certificates pursuant to s. 1004.68. The board of trustees of a  
2896 community college that is authorized to grant a baccalaureate

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2897 degree under s. 1007.33 may continue to award degrees, diplomas,  
2898 and certificates as authorized for the college, and in the name  
2899 of the college, until the college receives any necessary changes  
2900 to its accreditation.

2901 (c) Each board of trustees shall establish tuition and  
2902 out-of-state fees for approved baccalaureate degree programs,  
2903 consistent with law and proviso language in the General  
2904 Appropriations Act.

2905 (d)(e) Boards of trustees are authorized to establish  
2906 intrainstitutional and interinstitutional programs to maximize  
2907 articulation pursuant to s. 1007.22.

2908 (e)(d) Boards of trustees shall identify their core  
2909 curricula, which shall include courses required by the State  
2910 Board of Education, pursuant to the provisions of s. 1007.25(6).

2911 (f)(e) Each board of trustees must adopt a written  
2912 antihazing policy, provide a program for the enforcement of such  
2913 rules, and adopt appropriate penalties for violations of such  
2914 rules pursuant to the provisions of s. 1006.63(1)-(3).

2915 (g)(f) Each board of trustees may establish a uniform code  
2916 of conduct and appropriate penalties for violation of its rules  
2917 by students and student organizations, including rules governing  
2918 student academic honesty. Such penalties, unless otherwise  
2919 provided by law, may include fines, the withholding of diplomas  
2920 or transcripts pending compliance with rules or payment of  
2921 fines, and the imposition of probation, suspension, or  
2922 dismissal.

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2923 |        ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53 shall  
2924 | adopt a policy in accordance with rules of the State Board of  
2925 | Education that reasonably accommodates the religious observance,  
2926 | practice, and belief of individual students in regard to  
2927 | admissions, class attendance, and the scheduling of examinations  
2928 | and work assignments.

2929 |        (i) Each board of trustees shall adopt a policy providing  
2930 | that faculty who teach upper-division courses that are a  
2931 | component part of a baccalaureate degree program must meet the  
2932 | requirements of s. 1012.82.

2933 |        Section 60. Paragraphs (a) and (d) of subsection (2) of  
2934 | section 1002.23, Florida Statutes, are amended to read:

2935 |        1002.23 Family and School Partnership for Student  
2936 | Achievement Act.--

2937 |        (2) To facilitate meaningful parent and family  
2938 | involvement, the Department of Education shall develop  
2939 | guidelines for a parent guide to successful student achievement  
2940 | which describes what parents need to know about their child's  
2941 | educational progress and how they can help their child to  
2942 | succeed in school. The guidelines shall include, but need not be  
2943 | limited to:

2944 |        (a) Parental information regarding:

2945 |        1. Requirements for their child to be promoted to the next  
2946 | grade, as provided for in s. 1008.25;

2947 |        2. Progress of their child toward achieving state and  
2948 | district expectations for academic proficiency;

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2949 3. Assessment results, including report cards and progress  
2950 reports; ~~and~~

2951 4. Qualifications of their child's teachers; and

2952 5. Availability of the secondary and postsecondary  
2953 academic and career education online student advising and  
2954 guidance system described in s. 1006.01;

2955 (d) Opportunities for parents to learn about rigorous  
2956 academic programs that may be available for their child, such as  
2957 honors programs, dual enrollment, advanced placement,  
2958 International Baccalaureate, Florida Virtual High School  
2959 courses, career and professional academies, and accelerated  
2960 access to postsecondary education;

2961 Section 61. Section 1003.492, Florida Statutes, is amended  
2962 to read:

2963 1003.492 Industry-certified career education programs.--

2964 (1) A career education program within a comprehensive high  
2965 school program of study shall be coordinated with the  
2966 appropriate industry indicating that all components of the  
2967 program are relevant and appropriate to prepare the student for  
2968 further education or for employment in that industry.

2969 (2) The State Board of Education shall adopt rules  
2970 pursuant to ss. 120.536(1) and 120.54 for implementing an  
2971 industry certification process, which rules must establish any  
2972 necessary procedures for obtaining appropriate business partners  
2973 and requirements for business and industry involvement in  
2974 curriculum oversight and equipment procurement.

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2975       ~~(3) The Department of Education shall study student~~  
2976 ~~performance in industry certified career education programs. The~~  
2977 ~~department shall identify districts that currently operate~~  
2978 ~~industry certified career education programs. The study shall~~  
2979 ~~examine the performance of participating students over time.~~  
2980 ~~Performance factors shall include, but not be limited to,~~  
2981 ~~graduation rates, retention rates, additional educational~~  
2982 ~~attainment, employment records, earnings, and industry~~  
2983 ~~satisfaction. The results of this study shall be submitted to~~  
2984 ~~the President of the Senate and the Speaker of the House of~~  
2985 ~~Representatives by December 31, 2004.~~

2986       ~~(4) The Department of Education shall conduct a study to~~  
2987 ~~determine if a cost factor should be applied to industry-~~  
2988 ~~certified career education programs and review the need for~~  
2989 ~~startup funding for the programs. The study shall be completed~~  
2990 ~~by December 31, 2004, and shall be submitted to the President of~~  
2991 ~~the Senate and the Speaker of the House of Representatives.~~

2992       Section 62. Section 1004.85, Florida Statutes, is  
2993 renumbered as section 1004.045, Florida Statutes, and paragraphs  
2994 (e), (f), and (g) are added to subsection (2) of said section to  
2995 read:

2996       1004.045 ~~1004.85~~ Postsecondary educator preparation  
2997 institutes.--

2998       (2) Postsecondary institutions that are accredited or  
2999 approved as described in state board rule may seek approval from  
3000 the Department of Education to create educator preparation

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3001 institutes for the purpose of providing any or all of the  
3002 following:

3003 (e) Instruction to assist associate degree holders who  
3004 have business experience in demonstrating teaching competencies  
3005 for career education courses in the specific area relating to  
3006 their business experience.

3007 (f) Professional development instruction to assist career  
3008 education teachers in delivering a career education curriculum  
3009 in a relevant context with student-centered, research-based  
3010 instructional strategies and a rigorous standards-based academic  
3011 curriculum.

3012 (g) Professional development instruction to assist  
3013 guidance counselors in using a mentor-teacher guidance model.

3014 Section 63. Section 1004.226, Florida Statutes, is created  
3015 to read:

3016 1004.226 Florida technology development; centers of  
3017 excellence.--

3018 (1) The term "center of excellence," as used in this  
3019 section, means an organization of personnel, facilities, and  
3020 equipment established at or in collaboration with one or more  
3021 universities in Florida to accomplish the purposes and  
3022 objectives set forth in this section. The purposes and  
3023 objectives of a center of excellence include:

3024 (a) Identifying and pursuing opportunities for university  
3025 scholars, research center scientists and engineers, and private  
3026 businesses to form collaborative partnerships to foster and  
3027 promote the research required to develop commercially promising,

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3028 advanced, and innovative technologies and to transfer those  
3029 technologies to commercial sectors.

3030 (b) Acquiring and leveraging public and private sector  
3031 funding to provide the totality of funds, personnel, facilities,  
3032 equipment, and other resources needed to support the research  
3033 required to develop commercially promising, advanced, and  
3034 innovative technologies and to transfer those technologies to  
3035 commercial sectors.

3036 (c) Recruiting and retaining world class scholars, high-  
3037 performing students, and leading scientists and engineers in  
3038 technology disciplines to engage in research in this state to  
3039 develop commercially promising, advanced, and innovative  
3040 technologies.

3041 (d) Enhancing and expanding technology curricula and  
3042 laboratory resources at universities in this state.

3043 (e) Increasing the number of high-performing students in  
3044 technology disciplines who graduate from universities in this  
3045 state and pursue careers in this state.

3046 (f) Stimulating and supporting the inception, growth, and  
3047 diversification of technology-based businesses and ventures in  
3048 Florida and increasing employment opportunities for the  
3049 workforce needed to support such businesses.

3050 (2) The State Board of Education shall notify the  
3051 president of each university in the state of the opportunity to  
3052 submit to the state board a written proposal for establishing a  
3053 center of excellence under this section or expanding a center of  
3054 excellence designated under former s. 1004.225. A proposal from

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3055 a university must be submitted to the state board before  
3056 November 1, 2005.

3057 (3)(a) By February 15, 2006, the State Board of Education,  
3058 in consultation with the Florida Research Consortium, shall  
3059 develop a plan for establishing or expanding one or more centers  
3060 of excellence from proposals submitted pursuant to subsection  
3061 (2) and shall authorize expenditures for implementing the plan.

3062 (b) The plan must include performance and accountability  
3063 measures that can be used to assess the progress of plan  
3064 implementation and the success of each center of excellence that  
3065 receives funding under the plan. By March 1, 2006, the State  
3066 Board of Education shall provide a copy of the plan to the  
3067 Governor, the President of the Senate, and the Speaker of the  
3068 House of Representatives.

3069 (4) Beginning July 1, 2006, the State Board of Education  
3070 shall report annually to the Governor, the President of the  
3071 Senate, and the Speaker of the House of Representatives on the  
3072 progress in implementing the plan developed under subsection (3)  
3073 and the success of each center of excellence that receives  
3074 funding under that plan.

3075 (5) This program shall be implemented to the extent funds  
3076 are provided in the General Appropriations Act.

3077 Section 64. Subsection (1), paragraph (a) of subsection  
3078 (7), and subsection (9) of section 1004.65, Florida Statutes,  
3079 are amended, and subsection (10) is added to said section, to  
3080 read:

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3081 1004.65 Community colleges; definition, mission, and  
3082 responsibilities.--

3083 (1) Community colleges shall consist of all public  
3084 educational institutions identified in s. 1000.21(3). Community  
3085 colleges, including colleges that have been approved to offer  
3086 baccalaureate degree programs pursuant to s. 1007.33, shall be  
3087 operated by community college district boards of trustees under  
3088 statutory authority and rules of the State Board of Education.  
3089 Except as otherwise provided in law, all laws and rules that  
3090 relate to community colleges apply to community colleges  
3091 authorized to offer baccalaureate degree programs pursuant to s.  
3092 1007.33.

3093 (7) A separate and secondary role for community colleges  
3094 includes:

3095 (a) Providing upper level instruction and awarding  
3096 baccalaureate degrees as specifically authorized by law. A  
3097 community college that is approved to offer baccalaureate degree  
3098 programs shall maintain its primary mission pursuant to  
3099 subsection (6) and may not terminate associate in arts or  
3100 associate in science degree programs as a result of the  
3101 authorization to offer baccalaureate degree programs.

3102 (9) Community colleges are authorized to offer such  
3103 programs and courses as are necessary to fulfill their mission  
3104 and are authorized to grant associate in arts degrees, associate  
3105 in science degrees, associate in applied science degrees,  
3106 certificates, awards, and diplomas. Each community college is  
3107 also authorized to make provisions for the General Educational

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3108 Development test. Each community college may provide access to  
3109 and award baccalaureate degrees in accordance with law.

3110 (10) A community college may not offer graduate programs.

3111 Section 65. Subsection (3) is added to section 1004.68,  
3112 Florida Statutes, to read:

3113 1004.68 Community college; degrees and certificates; tests  
3114 for certain skills.--

3115 (3) The board of trustees of a community college  
3116 authorized to grant baccalaureate degrees pursuant to s. 1007.33  
3117 may continue to award degrees, diplomas, and certificates as  
3118 authorized for the college, and in the name of the college,  
3119 until the community college receives any necessary changes to  
3120 its accreditation.

3121 Section 66. Section 1006.01, Florida Statutes, is created  
3122 to read:

3123 1006.01 Enhanced secondary and postsecondary academic and  
3124 career education online student advising and guidance  
3125 system.--The Department of Education shall enhance the student  
3126 advising system described in s. 1007.28 into a secondary and  
3127 postsecondary academic and career education online student  
3128 advising and guidance system. In addition to the requirements of  
3129 s. 1007.28, the enhanced system must:

3130 (1) Provide access to information from regional workforce  
3131 boards on local careers and careers that are critical state  
3132 needs and the secondary and postsecondary career education  
3133 necessary to enter these careers.

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3134       (2) Provide continuous secondary and postsecondary career  
3135 education guidance beginning in middle school and store student  
3136 information until completion of the student's education.

3137       Section 67. Subsection (1) of section 1006.02, Florida  
3138 Statutes, is amended to read:

3139       1006.02 Provision of information to students and parents  
3140 regarding school-to-work transition.--

3141       (1) To facilitate each student's ability to easily and  
3142 seamlessly combine academic and rigorous career education  
3143 courses throughout the educational experience, each school  
3144 district ~~all public K-12 schools~~ shall document as part of its  
3145 guidance report required pursuant to s. 1006.025 that every  
3146 middle and high school student has used the secondary and  
3147 postsecondary academic and career education online student  
3148 advising and guidance system described in s. 1006.01 as part of  
3149 the student's career exploration and planning process. The  
3150 report must include the manner in which they have prepared  
3151 students to enter the workforce, including information regarding  
3152 the provision of accurate, timely career and curricular  
3153 counseling to middle school and high school students. This  
3154 information shall include a delineation of available career  
3155 opportunities, educational requirements associated with each  
3156 career, educational institutions that prepare students to enter  
3157 each career, and student financial aid available to enable  
3158 students to pursue any postsecondary instruction required to  
3159 enter that career. This information shall also delineate school  
3160 procedures for identifying individual student interests and

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3161 aptitudes which enable students to make informed decisions about  
3162 the curriculum that best addresses their individual interests  
3163 and aptitudes while preparing them to enroll in postsecondary  
3164 education and enter the workforce. This information shall  
3165 include recommended high school coursework that prepares  
3166 students for success in college-level work. The information  
3167 shall be made known to parents and students annually through  
3168 inclusion in the school's handbook, manual, or similar documents  
3169 or other communications regularly provided to parents and  
3170 students.

3171 Section 68. Paragraph (f) of subsection (2) of section  
3172 1006.025, Florida Statutes, is amended to read:

3173 1006.025 Guidance services.--

3174 (2) The guidance report shall include, but not be limited  
3175 to, the following:

3176 (f) Actions taken to provide information to students for  
3177 the school-to-work transition and documentation that every  
3178 middle and high school student has used the secondary and  
3179 postsecondary academic and career education online student  
3180 advising and guidance system described in s. 1006.01 for the  
3181 student's career exploration and planning process pursuant to s.  
3182 1006.02.

3183 Section 69. Paragraph (c) of subsection (3) of section  
3184 1007.2615, Florida Statutes, is amended to read:

3185 1007.2615 American Sign Language; findings; foreign-  
3186 language credits authorized; teacher licensing.--

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3187 (3) DUTIES OF COMMISSIONER OF EDUCATION AND STATE BOARD OF  
3188 EDUCATION; LICENSING OF AMERICAN SIGN LANGUAGE TEACHERS; PLAN  
3189 FOR POSTSECONDARY EDUCATION PROVIDERS.--

3190 (c) An ASL teacher must be certified by the Department of  
3191 Education by January 1, 2009 ~~2008~~, and ~~must obtain current~~  
3192 ~~certification through the Florida American Sign Language~~  
3193 ~~Teachers' Association (FASLTA) by January 1, 2006. New FASLTA~~  
3194 ~~certification may be used by current ASL teachers as an~~  
3195 ~~alternative certification track.~~

3196 Section 70. Subsections (1), (2), (4), (5), (6), (11), and  
3197 (13) of section 1007.271, Florida Statutes, are amended to read:  
3198 1007.271 Dual enrollment programs.--

3199 (1) The dual enrollment program is the enrollment of an  
3200 eligible secondary student or home education student in a  
3201 postsecondary course creditable toward high school completion  
3202 and a career certificate or an associate or baccalaureate  
3203 degree.

3204 (2) For the purpose of this section, an eligible secondary  
3205 student is a student who is enrolled in a Florida public  
3206 secondary school or in a Florida private secondary school which  
3207 is in compliance with s. 1002.42(2) and conducts a secondary  
3208 curriculum pursuant to s. 1003.43. Students enrolled in  
3209 postsecondary instruction that is not creditable toward the high  
3210 school diploma shall not be classified as dual enrollments.  
3211 Students who are eligible for dual enrollment pursuant to this  
3212 section shall be permitted to enroll in dual enrollment courses  
3213 conducted during school hours, after school hours, and during

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3214 the summer term. Instructional time for such enrollment may  
3215 exceed 900 hours; however, the school district may only report  
3216 the student for a maximum of 1.0 FTE, as provided in s.  
3217 1011.61(4). Dual enrollment instruction of high school students  
3218 that is eligible for high school and postsecondary credit shall  
3219 be reported by the school district in an amount equal to the  
3220 hours of instruction that would be necessary to earn the FTE  
3221 for the equivalent course if it were taught in the school  
3222 district. Any student so enrolled is exempt from the payment of  
3223 registration, tuition, and laboratory fees. Vocational-  
3224 preparatory instruction, college-preparatory instruction and  
3225 other forms of precollegiate instruction, as well as physical  
3226 education courses that focus on the physical execution of a  
3227 skill rather than the intellectual attributes of the activity,  
3228 are ineligible for inclusion in the dual enrollment program.  
3229 Recreation and leisure studies courses shall be evaluated  
3230 individually in the same manner as physical education courses  
3231 for potential inclusion in the program.

3232 (4) Career dual enrollment shall be provided as a  
3233 curricular option for secondary students to pursue in order to  
3234 earn a series of elective credits toward the high school  
3235 diploma. ~~However, career dual enrollment shall not supplant~~  
3236 ~~student acquisition of the diploma.~~ Career dual enrollment shall  
3237 be available for secondary students seeking a degree or  
3238 certificate from a complete career-preparatory program and shall  
3239 not be used to enroll students, ~~but shall not sustain student~~  
3240 ~~enrollment~~ in isolated career courses. It is the intent of the

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3241 Legislature that career dual enrollment provide ~~reflect the~~  
3242 ~~interests and aptitudes of the student. The provision of a~~  
3243 comprehensive academic and career dual enrollment program within  
3244 the career center or community college ~~is supportive of~~  
3245 ~~legislative intent; however, such provision is not mandatory.~~

3246 (5) Each district school board shall inform all secondary  
3247 students of dual enrollment as an educational option and  
3248 mechanism for acceleration. Students shall be informed of  
3249 eligibility criteria, the option for taking dual enrollment  
3250 courses beyond the regular school year, and the ~~24~~ minimum  
3251 academic credits required for graduation. District school boards  
3252 shall annually assess the demand for dual enrollment and other  
3253 advanced courses, and the district school board shall consider  
3254 strategies and programs to meet that demand.

3255 (6) The Commissioner of Education shall appoint faculty  
3256 committees representing public school, community college, and  
3257 university faculties to identify postsecondary courses that meet  
3258 the high school graduation requirements of s. 1003.43, and to  
3259 establish the number of postsecondary semester credit hours of  
3260 instruction and equivalent high school credits earned through  
3261 dual enrollment pursuant to this section that are necessary to  
3262 meet high school graduation requirements. Such equivalencies  
3263 shall be determined solely on comparable course content and not  
3264 on seat time traditionally allocated to such courses in high  
3265 school. The Commissioner of Education shall recommend to the  
3266 State Board of Education those postsecondary courses identified  
3267 to meet high school graduation requirements, based on mastery of

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3268 course outcomes, by their ~~statewide~~ course numbers number, and  
3269 all high schools shall accept these postsecondary education  
3270 courses toward meeting the requirements of s. 1003.43.

3271 (11) The Department of Education shall approve any course  
3272 for inclusion in the dual enrollment program that is contained  
3273 within the statewide course numbering system. However, college-  
3274 preparatory and other forms of precollegiate instruction, and  
3275 physical education and other courses that focus on the physical  
3276 execution of a skill rather than the intellectual attributes of  
3277 the activity, may not be so approved, but must be evaluated  
3278 individually for potential inclusion in the dual enrollment  
3279 program. This subsection does not mean that an independent  
3280 postsecondary institution eligible for inclusion in a dual  
3281 enrollment or early admission program pursuant to s. 1011.62  
3282 must participate in the statewide course numbering system  
3283 developed pursuant to s. 1007.24 to participate in a dual  
3284 enrollment program.

3285 (13) ~~It is the intent of the Legislature that~~ Students who  
3286 meet the eligibility requirements of this section ~~subsection~~ and  
3287 who choose to participate in dual enrollment programs are ~~be~~  
3288 exempt from the payment of registration, tuition, and laboratory  
3289 fees.

3290 Section 71. Section 1007.33, Florida Statutes, is amended  
3291 to read:

3292 1007.33 Site-determined baccalaureate degree access.--

3293 (1) The Legislature recognizes that public and private  
3294 postsecondary educational institutions play essential roles in

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3295 improving the quality of life and economic well-being of the  
3296 state and its residents. The Legislature also recognizes that  
3297 economic development needs and the educational needs of place-  
3298 bound, nontraditional students have increased the demand for  
3299 local access to baccalaureate degree programs. In some, but not  
3300 all, geographic regions, baccalaureate degree programs are being  
3301 delivered successfully at the local community college through  
3302 agreements between the community college and 4-year  
3303 postsecondary institutions within or outside of the state. It is  
3304 therefore the intent of the Legislature to further expand access  
3305 for Florida residents to baccalaureate degree programs and to  
3306 provide baccalaureate degree programs that meet critical  
3307 workforce needs through the use of community colleges.

3308 (2) A community college may enter into a formal agreement  
3309 pursuant to the provisions of s. 1007.22 for the delivery of  
3310 specified baccalaureate degree programs.

3311 (3) A community college may develop a proposal to deliver  
3312 specified baccalaureate degree programs in its district to meet  
3313 local workforce needs or to expand access to postsecondary  
3314 education for diverse, nontraditional, or geographically bound  
3315 students. The proposal must be approved by the board of trustees  
3316 of the community college.

3317 (a) To be eligible to receive state funding to support the  
3318 proposed program at the baccalaureate level, the proposal must  
3319 be submitted to the State Board of Education for approval in  
3320 accordance with timelines and guidelines adopted by the state

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3321 board and. ~~The community college's proposal~~ must include the  
3322 following information:

3323 1.(a) Documentation of the demand for the baccalaureate  
3324 degree program as is identified by the workforce development  
3325 board, local businesses and industry, local chambers of  
3326 commerce, and potential students who must be residents of the  
3327 state.

3328 2.(b) Documentation of the unmet need for graduates of the  
3329 proposed degree program ~~is substantiated.~~

3330 3.(e) Documentation that the community college has the  
3331 facilities and academic resources to deliver the program.

3332 4. Documentation that alternative attempts were made to  
3333 meet the identified need, such as distance learning and  
3334 partnerships with other public or private postsecondary  
3335 educational institutions, or justification for not pursuing such  
3336 alternatives.

3337 5. A 5-year financial plan that details steps to ensure  
3338 that the per-credit-hour costs of the program at the end of the  
3339 5-year period will be less than the costs of similar programs at  
3340 state universities.

3341 (b) Upon receipt of a proposal submitted pursuant to  
3342 paragraph (a), the State Board of Education must make the  
3343 proposal available to other public and private postsecondary  
3344 educational institutions for 60 days for review and comment,  
3345 including the opportunity for such institutions to submit  
3346 alternative proposals to the State Board of Education for  
3347 meeting the stated need.

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3348 (c) The State Board of Education may approve, deny, or  
3349 require revisions to a proposal submitted by a community college  
3350 pursuant to paragraph (a) or an alternative proposal submitted  
3351 pursuant to paragraph (b).

3352  
3353 ~~A The proposal must be submitted to the Council for Education~~  
3354 ~~Policy Research and Improvement for review and comment. Upon~~  
3355 ~~approval of the State Board of Education for the specific degree~~  
3356 ~~program or programs, the community college approved to offer~~  
3357 baccalaureate degrees pursuant to this subsection shall pursue  
3358 regional accreditation by the Commission on Colleges of the  
3359 Southern Association of Colleges and Schools. Any additional  
3360 baccalaureate degree program programs the community college  
3361 wishes to offer must be approved by the State Board of Education  
3362 pursuant to the process outlined in this subsection in order for  
3363 the community college to receive state funding for the program  
3364 at the baccalaureate level.

3365 (4) Any baccalaureate degree program authorized at a  
3366 community college pursuant to the provisions of this section  
3367 must be evaluated by the board of trustees of the community  
3368 college every 5 years to determine the cost-effectiveness of the  
3369 program, the effectiveness of the program in providing access to  
3370 baccalaureate degrees for Florida residents and meeting local  
3371 workforce needs, and the impact of the program on the college's  
3372 primary mission of providing associate degrees. A copy of the  
3373 evaluation must be submitted to the State Board of Education,  
3374 the Executive Office of the Governor, the President of the

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3375 Senate, and the Speaker of the House of Representatives.  
3376 Programs that have excessive per-credit-hour costs, fail to  
3377 provide meaningful access to baccalaureate degrees for Florida  
3378 residents, no longer meet workforce needs, or hinder a community  
3379 college's primary mission may lose eligibility for state funding  
3380 as a baccalaureate degree program.

3381 (5)(4) A community college may not terminate its associate  
3382 in arts or associate in science degree programs as a result of  
3383 the authorization provided pursuant to this section ~~in~~  
3384 ~~subsection (3)~~. The Legislature intends that the primary mission  
3385 of a community college, including a community college that  
3386 offers baccalaureate degree programs, continues to be the  
3387 provision of associate degrees that provide access to a  
3388 university.

3389 (6) The State Board of Education shall adopt rules to  
3390 administer this section.

3391 Section 72. Section 1009.21, Florida Statutes, is amended  
3392 to read:

3393 1009.21 Determination of resident status for tuition  
3394 purposes; exemption.--Students shall be classified as residents  
3395 or nonresidents for the purpose of assessing tuition in  
3396 community colleges and state universities and for the purpose of  
3397 assessing tuition for instruction in workforce education  
3398 programs offered by school districts.

3399 (1) As used in this section, the term:

3400 (a) ~~The term~~ "Dependent child" means any person, whether  
3401 or not living with his or her parent, who is eligible to be

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3402 claimed by his or her parent as a dependent under the federal  
3403 income tax code and who receives at least 51 percent of the true  
3404 cost-of-living expenses from his or her parent, as further  
3405 defined in rules of the department and postsecondary residential  
3406 guidelines.

3407 (b) "Initial enrollment" means the first day of class.

3408 (c)(b) ~~The term~~ "Institution of higher education" means  
3409 any public community college or state university.

3410 (d)(e) A "Legal resident" or "resident" means is a person  
3411 who has maintained his or her residence in this state for the  
3412 preceding year, has purchased a home which is occupied by him or  
3413 her as his or her residence, or has established a domicile in  
3414 this state pursuant to s. 222.17.

3415 (e) "Nonresident for tuition purposes" means a person who  
3416 does not qualify for the in-state tuition rate.

3417 (f)(d) ~~The term~~ "Parent" means the natural or adoptive  
3418 parent or legal guardian of a dependent child.

3419 (g)(e) A "Resident for tuition purposes" means is a person  
3420 who qualifies as provided in subsection (2) for the in-state  
3421 tuition rate; ~~a "nonresident for tuition purposes" is a person~~  
3422 ~~who does not qualify for the in-state tuition rate.~~

3423 (2)(a) To qualify as a resident for tuition purposes:

3424 1. A person or, if that person is a dependent child, his  
3425 or her parent or parents must have established legal residence  
3426 in this state and must have maintained legal residence in this  
3427 state for at least 12 consecutive months immediately prior to

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3428 his or her initial enrollment in a postsecondary education  
3429 program in this state ~~qualification~~.

3430 2. Every applicant for admission to an institution of  
3431 higher education or to a workforce education program offered by  
3432 a school district shall be required to make a statement as to  
3433 his or her length of residence in the state and, further, shall  
3434 establish that his or her presence or, if the applicant is a  
3435 dependent child, the presence of his or her parent or parents in  
3436 the state currently is, and during the requisite 12-month  
3437 qualifying period was, for the purpose of maintaining a bona  
3438 fide domicile, rather than for the purpose of maintaining a mere  
3439 temporary residence or abode incident to enrollment in an  
3440 institution of higher education or a workforce education program  
3441 offered by a school district.

3442 3. Each institution of higher education or each school  
3443 district that offers a workforce education program must  
3444 determine whether an applicant who has been granted admission is  
3445 a dependent child.

3446 4. Each institution of higher education or each school  
3447 district that offers a workforce education program must  
3448 affirmatively determine that an applicant who has been granted  
3449 admission as a Florida resident meets the residency requirements  
3450 of this section at the time of initial enrollment.

3451 (b) However, with respect to a dependent child living with  
3452 an adult relative other than the child's parent, such child may  
3453 qualify as a resident for tuition purposes if the adult relative  
3454 is a legal resident who has maintained legal residence in this

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3455 state for at least 12 consecutive months immediately prior to  
3456 the child's initial enrollment in a postsecondary education  
3457 program in this state ~~qualification~~, provided the child has  
3458 resided continuously with such relative for the 5 years  
3459 immediately prior to the child's initial enrollment  
3460 ~~qualification~~, during which time the adult relative has  
3461 exercised day-to-day care, supervision, and control of the  
3462 child.

3463 (c) The legal residence of a dependent child whose parents  
3464 are divorced, separated, or otherwise living apart will be  
3465 deemed to be this state if either parent is a legal resident of  
3466 this state, regardless of which parent is entitled to claim, and  
3467 does in fact claim, the minor as a dependent pursuant to federal  
3468 individual income tax provisions.

3469 (d) A person who is classified as a nonresident for  
3470 tuition purposes may become eligible for reclassification as a  
3471 resident for tuition purposes if that person or, if that person  
3472 is a dependent child, his or her parent presents documentation  
3473 that supports permanent residency in this state rather than  
3474 temporary residency for the purpose of pursuing an education,  
3475 such as documentation of full-time permanent employment for the  
3476 previous 12 months or the purchase of a home in this state and  
3477 residence therein for the prior 12 months. If a person who is a  
3478 dependent child and his or her parent move to this state while  
3479 such child is a high school student and the child graduates from  
3480 a high school in this state, the child may become eligible for

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3481 reclassification as a resident for tuition purposes when the  
3482 parent qualifies for permanent residency.

3483 (3) An individual shall not be classified as a resident  
3484 for tuition purposes and, thus, shall not be eligible to receive  
3485 the in-state tuition rate until he or she has provided such  
3486 evidence related to legal residence and its duration or, if that  
3487 individual is a dependent child, documentation of his or her  
3488 parent's legal residence and its duration, as well as  
3489 documentation confirming his or her status as a dependent child,  
3490 as may be required by law and by officials of the institution of  
3491 higher education or officials of the school district offering  
3492 the workforce education program from which he or she seeks the  
3493 in-state tuition rate.

3494 (4) With respect to a dependent child, the legal residence  
3495 of such individual's parent or parents is prima facie evidence  
3496 of the individual's legal residence, which evidence may be  
3497 reinforced or rebutted, relative to the age and general  
3498 circumstances of the individual, by the other evidence of legal  
3499 residence required of or presented by the individual. However,  
3500 the legal residence of an individual whose parent or parents are  
3501 domiciled outside this state is not prima facie evidence of the  
3502 individual's legal residence if that individual has lived in  
3503 this state for 5 consecutive years prior to enrolling or  
3504 reregistering at the institution of higher education or  
3505 enrolling or reregistering in a workforce education program  
3506 offered by a school district at which resident status for  
3507 tuition purposes is sought.

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3508 (5) In making a domiciliary determination related to the  
3509 classification of a person as a resident or nonresident for  
3510 tuition purposes, the domicile of a married person, irrespective  
3511 of sex, shall be determined, as in the case of an unmarried  
3512 person, by reference to all relevant evidence of domiciliary  
3513 intent. For the purposes of this section:

3514 (a) A person shall not be precluded from establishing or  
3515 maintaining legal residence in this state and subsequently  
3516 qualifying or continuing to qualify as a resident for tuition  
3517 purposes solely by reason of marriage to a person domiciled  
3518 outside this state, even when that person's spouse continues to  
3519 be domiciled outside of this state, provided such person  
3520 maintains his or her legal residence in this state.

3521 (b) A person shall not be deemed to have established or  
3522 maintained a legal residence in this state and subsequently to  
3523 have qualified or continued to qualify as a resident for tuition  
3524 purposes solely by reason of marriage to a person domiciled in  
3525 this state.

3526 (c) In determining the domicile of a married person,  
3527 irrespective of sex, the fact of the marriage and the place of  
3528 domicile of such person's spouse shall be deemed relevant  
3529 evidence to be considered in ascertaining domiciliary intent.

3530 (6) Any nonresident person, irrespective of sex, who  
3531 marries a legal resident of this state or marries a person who  
3532 later becomes a legal resident may, upon becoming a legal  
3533 resident of this state, accede to the benefit of the spouse's  
3534 immediately precedent duration as a legal resident for purposes

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3535 of satisfying the 12-month durational requirement of this  
3536 section.

3537 (7) A person shall not lose his or her resident status for  
3538 tuition purposes solely by reason of serving, or, if such person  
3539 is a dependent child, by reason of his or her parent's or  
3540 parents' serving, in the Armed Forces outside this state.

3541 (8) A person who has been properly classified as a  
3542 resident for tuition purposes but who, while enrolled in an  
3543 institution of higher education or a workforce education program  
3544 offered by a school district in this state, loses his or her  
3545 resident tuition status because the person or, if he or she is a  
3546 dependent child, the person's parent or parents establish  
3547 domicile or legal residence elsewhere shall continue to enjoy  
3548 the in-state tuition rate for a statutory grace period, which  
3549 period shall be measured from the date on which the  
3550 circumstances arose that culminated in the loss of resident  
3551 tuition status and shall continue for 12 months. However, if the  
3552 12-month grace period ends during a semester or academic term  
3553 for which such former resident is enrolled, such grace period  
3554 shall be extended to the end of that semester or academic term.

3555 (9) Any person who ceases to be enrolled in ~~at~~ or who  
3556 graduates from an institution of higher education or a workforce  
3557 education program offered by a school district while classified  
3558 as a resident for tuition purposes and who subsequently abandons  
3559 his or her domicile in this state shall be permitted to reenroll  
3560 in ~~at~~ an institution of higher education or a workforce  
3561 education program offered by a school district in this state as

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3562 a resident for tuition purposes without the necessity of meeting  
3563 the 12-month durational requirement of this section if that  
3564 person has reestablished his or her domicile in this state  
3565 within 12 months of such abandonment and continuously maintains  
3566 the reestablished domicile during the period of enrollment. The  
3567 benefit of this subsection shall not be accorded more than once  
3568 to any one person.

3569 (10) The following persons shall be classified as  
3570 residents for tuition purposes:

3571 (a) Active duty members of the Armed Services of the  
3572 United States residing or stationed in this state, their  
3573 spouses, and dependent children, and active members of the  
3574 Florida National Guard who qualify under s. 250.10(7) and (8)  
3575 for the tuition assistance program.

3576 (b) Active duty members of the Armed Services of the  
3577 United States, and their spouses and dependent children,  
3578 ~~dependents~~ attending a public community college or state  
3579 university within 50 miles of the military establishment where  
3580 they are stationed, if such military establishment is within a  
3581 county contiguous to Florida.

3582 (c) United States citizens living on the Isthmus of  
3583 Panama, who have completed 12 consecutive months of college work  
3584 at the Florida State University Panama Canal Branch, and their  
3585 spouses and dependent children.

3586 (d) Full-time instructional and administrative personnel  
3587 employed by state public schools, community colleges, and

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3588 institutions of higher education, as defined in s. 1000.04, and  
3589 their spouses and dependent children.

3590 (e) Students from Latin America and the Caribbean who  
3591 receive scholarships from the federal or state government. Any  
3592 student classified pursuant to this paragraph shall attend, on a  
3593 full-time basis, a Florida institution of higher education.

3594 (f) Southern Regional Education Board's Academic Common  
3595 Market graduate students attending Florida's state universities.

3596 (g) Full-time employees of state agencies or political  
3597 subdivisions of the state when the student fees are paid by the  
3598 state agency or political subdivision for the purpose of job-  
3599 related law enforcement or corrections training.

3600 (h) McKnight Doctoral Fellows and Finalists who are United  
3601 States citizens.

3602 (i) United States citizens living outside the United  
3603 States who are teaching at a Department of Defense Dependent  
3604 School or in an American International School and who enroll in  
3605 a graduate level education program which leads to a Florida  
3606 teaching certificate.

3607 (j) Active duty members of the Canadian military residing  
3608 or stationed in this state under the North American Aerospace  
3609 Defense Command ~~Air Defense~~ (NORAD) agreement, and their spouses  
3610 and dependent children, attending a community college or state  
3611 university within 50 miles of the military establishment where  
3612 they are stationed.

3613 (k) Active duty members of a foreign nation's military who  
3614 are serving as liaison officers and are residing or stationed in

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3615 | this state, and their spouses and dependent children, attending  
3616 | a community college or state university within 50 miles of the  
3617 | military establishment where the foreign liaison officer is  
3618 | stationed.

3619 |       (1) Full-time employees of international multilateral  
3620 | organizations based in Florida that are recognized by the United  
3621 | States Department of State and their spouses and dependent  
3622 | children.

3623 |       (11) A student, other than a nonimmigrant alien within the  
3624 | meaning of 8 U.S.C. s. 1101(a)(15), who meets all of the  
3625 | following requirements may apply for an exemption from paying  
3626 | nonresident tuition at community colleges and state  
3627 | universities:

3628 |       (a) The student has resided in Florida with a parent, as  
3629 | defined in paragraph (1)(f), for at least 3 consecutive years  
3630 | immediately preceding the date the student received a high  
3631 | school diploma or its equivalent and has attended a Florida high  
3632 | school for at least 3 consecutive school years during such time.

3633 |       (b) The student has registered and enrolled in a community  
3634 | college or a state university. The student may apply for a term  
3635 | deferral of any out-of-state fee assessed by the institution  
3636 | until eligibility for the exemption is determined.

3637 |       (c) The student has provided the community college or  
3638 | state university an affidavit stating that the student will file  
3639 | an application to become a permanent resident of the United  
3640 | States at the earliest opportunity he or she is eligible to do  
3641 | so.

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3642       (d) The student has submitted an application for the  
3643 exemption to the community college or state university in the  
3644 manner prescribed by the Department of Education.

3645  
3646 The exemption authorized pursuant to this subsection shall be  
3647 limited to the top 2,000 students in academic performance in  
3648 Florida high schools who register and enroll at a community  
3649 college or state university under the exemption. The Department  
3650 of Education shall administer the exemption program and shall  
3651 develop an application form and guidelines for student  
3652 participation. The community college or state university shall  
3653 enter all application criteria submitted by the student into the  
3654 department's online database, in the manner and timeframe  
3655 prescribed by the department, for final determination by the  
3656 department of the student's eligibility to receive the  
3657 exemption.

3658       (12)~~(11)~~ The State Board of Education shall by rule  
3659 designate classifications of students as residents or  
3660 nonresidents for tuition purposes at community colleges and  
3661 state universities.

3662       Section 73. Subsections (1), (3), and (11) of section  
3663 1009.23, Florida Statutes, are amended to read:

3664       1009.23 Community college student fees.--

3665       (1) Unless otherwise provided, ~~the provisions of this~~  
3666 section applies apply only to fees charged for college credit  
3667 instruction leading to an associate in arts degree, an associate  
3668 in applied science degree, ~~or~~ an associate in science degree, or

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3669 | a baccalaureate degree authorized by the State Board of  
3670 | Education pursuant to s. 1007.33 and for noncollege credit  
3671 | college-preparatory courses defined in s. 1004.02.

3672 |       (3) The State Board of Education shall adopt by December  
3673 | 31 of each year a resident fee schedule for the following fall  
3674 | for advanced and professional programs, associate in science  
3675 | degree programs, baccalaureate degree programs authorized by the  
3676 | State Board of Education pursuant to s. 1007.33, and college-  
3677 | preparatory programs that produce revenues in the amount of 25  
3678 | percent of the full prior year's cost of these programs. Fees  
3679 | for courses in college-preparatory programs and associate in  
3680 | arts and associate in science degree programs may be established  
3681 | at the same level. In the absence of a provision to the contrary  
3682 | in an appropriations act, the fee schedule shall take effect and  
3683 | the colleges shall expend the funds on instruction. If the  
3684 | Legislature provides for an alternative fee schedule in an  
3685 | appropriations act, the fee schedule shall take effect the  
3686 | subsequent fall semester.

3687 |       (11)(a) Each community college board of trustees may  
3688 | establish a separate fee for capital improvements, technology  
3689 | enhancements, or equipping student buildings which may not  
3690 | exceed 10 percent of tuition for resident students or 10 percent  
3691 | of the sum of tuition and out-of-state fees for nonresident  
3692 | students. The fee for resident students shall be limited to an  
3693 | increase of \$2 per credit hour over the prior year ~~\$1 per credit~~  
3694 | ~~hour or credit-hour equivalent for residents and which equals or~~  
3695 | ~~exceeds \$3 per credit hour for nonresidents.~~ Funds collected by

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3696 community colleges through these fees may be bonded only as  
3697 provided in this subsection for the purpose of financing or  
3698 refinancing new construction and equipment, renovation, or  
3699 remodeling of educational facilities. The fee shall be collected  
3700 as a component part of the tuition and fees, paid into a  
3701 separate account, and expended only to construct and equip,  
3702 maintain, improve, or enhance the educational facilities of the  
3703 community college. Projects funded through the use of the  
3704 capital improvement fee shall meet the survey and construction  
3705 requirements of chapter 1013. Pursuant to s. 216.0158, each  
3706 community college shall identify each project, including  
3707 maintenance projects, proposed to be funded in whole or in part  
3708 by such fee.

3709 (b) Capital improvement fee revenues may be pledged by a  
3710 board of trustees as a dedicated revenue source to the repayment  
3711 of debt, including lease-purchase agreements with an overall  
3712 term, including renewals, extensions, and refundings, of not  
3713 more than 7 years and revenue bonds, with a term not to exceed  
3714 20 annual maturities ~~years~~, and not to exceed the useful life of  
3715 the asset being financed, only for financing or refinancing of  
3716 the new construction and equipment, renovation, or remodeling of  
3717 educational facilities. ~~Community colleges may use the services~~  
3718 ~~of the Division of Bond Finance of the State Board of~~  
3719 ~~Administration to issue any~~ Bonds authorized through the  
3720 provisions of this subsection shall be. ~~Any such bonds~~ issued by  
3721 the Division of Bond Finance upon the request of the community  
3722 college board of trustees ~~shall be~~ in compliance with the

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3723 provisions of s. 11(d), Art. VII of the State Constitution and  
3724 the State Bond Act. The Division of Bond Finance may pledge fees  
3725 collected by one or more community colleges to secure such  
3726 bonds. Any project included in the approved educational plant  
3727 survey pursuant to chapter 1013 is approved pursuant to s.  
3728 11(d), Art. VII of the State Constitution.

3729 (c) The state does hereby covenant with the holders of the  
3730 bonds issued under this subsection that it will not take any  
3731 action that will materially and adversely affect the rights of  
3732 such holders so long as the bonds authorized by this subsection  
3733 are outstanding.

3734 (d) Any validation of the bonds issued pursuant to the  
3735 State Bond Act shall be validated in the manner provided by  
3736 chapter 75. Only the initial series of bonds is required to be  
3737 validated. The complaint for such validation shall be filed in  
3738 the circuit court of the county where the seat of state  
3739 government is situated, the notice required to be published by  
3740 s. 75.06 shall be published only in the county where the  
3741 complaint is filed, and the complaint and order of the circuit  
3742 court shall be served only on the state attorney of the circuit  
3743 in which the action is pending.

3744 (e) A maximum of 15 percent cents per credit hour may be  
3745 allocated from the capital improvement fee for child care  
3746 centers conducted by the community college. The use of capital  
3747 improvement fees for such purpose shall be subordinate to the  
3748 payment of any bonds secured by the fees.

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3749 Section 74. Subsection (3) of section 1009.24, Florida  
3750 Statutes, is amended to read:

3751 1009.24 State university student fees.--

3752 (3)(a) The Legislature has the responsibility to establish  
3753 tuition and fees.

3754 (b) Within proviso in the General Appropriations Act and  
3755 law, each board of trustees shall set undergraduate university  
3756 tuition and fees.

3757 (c) Except as otherwise provided by law, each board of  
3758 trustees shall set university tuition and fees for graduate,  
3759 graduate professional, and nonresident students, except that  
3760 tuition and fees for graduate, graduate professional, and  
3761 nonresident students who enroll prior to fall 2005 shall be  
3762 established within proviso in the General Appropriations Act or  
3763 by law. Tuition and fees for graduate, graduate professional,  
3764 and nonresident students shall not exceed the average full-time  
3765 nonresident tuition and fees for corresponding programs at  
3766 public institutions that are members of the Association of  
3767 American Universities. The annual percentage increase in tuition  
3768 and fees established by each board of trustees pursuant to this  
3769 paragraph for students enrolled prior to fall 2005 shall not  
3770 exceed the annual percentage increase approved by the  
3771 Legislature for resident undergraduate students. At least 20  
3772 percent of the amount raised by tuition increases imposed  
3773 pursuant to this paragraph shall be allocated by each university  
3774 to need-based financial aid for students.

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3775        (d) The sum of the activity and service, health, and  
3776 athletic fees a student is required to pay to register for a  
3777 course shall not exceed 40 percent of the tuition established in  
3778 law or in the General Appropriations Act. The tuition and fees  
3779 established pursuant to paragraph (c) for graduate, graduate  
3780 professional, and nonresident students shall not be subject to  
3781 the 40 percent cap. No university shall be required to lower any  
3782 fee in effect on the effective date of this act in order to  
3783 comply with this subsection. Within the 40 percent cap,  
3784 universities may not increase the aggregate sum of activity and  
3785 service, health, and athletic fees more than 5 percent per year  
3786 unless specifically authorized in law or in the General  
3787 Appropriations Act. A university may increase its athletic fee  
3788 to defray the costs associated with changing National Collegiate  
3789 Athletic Association divisions. Any such increase in the  
3790 athletic fee may exceed both the 40 percent cap and the 5  
3791 percent cap imposed by this subsection. Any such increase must  
3792 be approved by the athletic fee committee in the process  
3793 outlined in subsection (11) and cannot exceed \$2 per credit  
3794 hour. Notwithstanding the provisions of ss. 1009.534, 1009.535,  
3795 and 1009.536, that portion of any increase in an athletic fee  
3796 pursuant to this subsection that causes the sum of the activity  
3797 and service, health, and athletic fees to exceed the 40 percent  
3798 cap or the annual increase in such fees to exceed the 5 percent  
3799 cap shall not be included in calculating the amount a student  
3800 receives for a Florida Academic Scholars award, a Florida  
3801 Medallion Scholars award, or a Florida Gold Seal Vocational

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3802 Scholars award. This subsection does not prohibit a university  
3803 from increasing or assessing optional fees related to specific  
3804 activities if payment of such fees is not required as a part of  
3805 registration for courses.

3806 Section 75. Section 1009.286, Florida Statutes, is created  
3807 to read:

3808 1009.286 Additional student payment required for hours  
3809 exceeding graduation requirements.--

3810 (1) It is the intent of the Legislature to discourage  
3811 undergraduate students in postsecondary education from exceeding  
3812 the number of credit hours required to complete the students'  
3813 respective degree programs. Accordingly, a student must pay 75  
3814 percent over the in-state tuition rate for any credit hours that  
3815 the student takes in excess of 120 percent of the number of  
3816 credit hours required to complete the degree program in which he  
3817 or she is enrolled.

3818 (2) A student who is enrolled in a community college must  
3819 pay 75 percent over the in-state tuition rate for credit hours  
3820 that the student takes in excess of 120 percent of the credit  
3821 hours required to earn an associate degree, except that a  
3822 community college student who has earned the associate degree  
3823 need not pay the full cost for a maximum of 24 credit hours  
3824 taken while enrolled at a community college which apply to his  
3825 or her baccalaureate degree.

3826 (3) An undergraduate student who is enrolled in a state  
3827 university must pay 75 percent over the in-state tuition rate  
3828 for credit hours that the student takes in excess of 120 percent

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3829 of the credit hours required to complete the degree program in  
3830 which he or she is enrolled, regardless of whether those hours  
3831 were taken while enrolled at a community college, a state  
3832 university, or any private postsecondary institution if the  
3833 student received state funds while enrolled at the private  
3834 postsecondary institution.

3835 (4) An undergraduate student who is enrolled in a  
3836 baccalaureate degree program at a community college must pay 75  
3837 percent over the in-state tuition rate for credit hours that the  
3838 student takes in excess of 120 percent of the number of credit  
3839 hours required to complete the degree program in which he or she  
3840 is enrolled, regardless of whether those hours were taken while  
3841 enrolled at a community college, a state university, or any  
3842 private postsecondary institution if the student received state  
3843 funds while enrolled at the private postsecondary institution.

3844 (5) Credit hours earned under the following circumstances  
3845 are not calculated as hours required to earn a degree:

3846 (a) College credits earned through an accelerated  
3847 mechanism identified in s. 1007.27.

3848 (b) Credit hours earned through internship programs.

3849 (c) Credit hours required for certification,  
3850 recertification, or certificate degrees.

3851 (d) Credit hours in courses from which a student must  
3852 withdraw due to reasons of medical or personal hardship.

3853 (e) Credit hours taken by active-duty military personnel.

3854 (f) Credit hours required to achieve a dual major  
3855 undertaken while pursuing a degree.

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3856 (g) Remedial and English as a Second Language credit  
3857 hours.

3858 (h) Credit hours earned in military science courses  
3859 (R.O.T.C.).

3860 (6) Each postsecondary institution shall implement a  
3861 process for notifying students regarding the provisions of this  
3862 section. The notice shall be provided upon the student's initial  
3863 enrollment in the institution and again upon the student earning  
3864 the credit hours required to complete the degree program in  
3865 which he or she is enrolled. Additionally, the notice shall  
3866 recommend that the student meet with his or her academic advisor  
3867 if the student intends to earn additional credit hours at the  
3868 institution beyond those required for his or her enrolled degree  
3869 program.

3870 (7) The provisions of this section shall apply to freshmen  
3871 who enroll in a state university or community college in fall  
3872 2005 and thereafter.

3873 Section 76. Paragraph (a) of subsection (1) of section  
3874 1009.40, Florida Statutes, is amended, and subsection (5) is  
3875 added to said section, to read:

3876 1009.40 General requirements for student eligibility for  
3877 state financial aid and tuition assistance grants.--

3878 (1)(a) The general requirements for eligibility of  
3879 students for state financial aid awards and tuition assistance  
3880 grants consist of the following:

3881 1. Achievement of the academic requirements of and  
3882 acceptance at a state university or community college; a nursing

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3883 diploma school approved by the Florida Board of Nursing; a  
3884 Florida college, university, or community college which is  
3885 accredited by an accrediting agency recognized by the State  
3886 Board of Education; any Florida institution the credits of which  
3887 are acceptable for transfer to state universities; any career  
3888 center; or any private career institution accredited by an  
3889 accrediting agency recognized by the State Board of Education.

3890 2. Residency in this state for no less than 1 year  
3891 preceding the award of aid or a tuition assistance grant for a  
3892 program established pursuant to s. 1009.50, s. 1009.51, s.  
3893 1009.52, s. 1009.53, s. 1009.54, s. 1009.56, s. 1009.57, s.  
3894 1009.60, s. 1009.62, s. 1009.63, s. 1009.68, s. 1009.72, s.  
3895 1009.73, s. 1009.76, s. 1009.77, ~~s. 1009.89~~, s. 1009.891, or  
3896 s. 1009.895. Residency in this state must be for purposes other  
3897 than to obtain an education. Resident status for purposes of  
3898 receiving state financial aid awards or tuition assistance  
3899 grants shall be determined in the same manner as resident status  
3900 for tuition purposes pursuant to s. 1009.21 and rules of the  
3901 State Board of Education implementing s. 1009.21 and the  
3902 postsecondary guidelines of the department.

3903 3. Submission of certification attesting to the accuracy,  
3904 completeness, and correctness of information provided to  
3905 demonstrate a student's eligibility to receive state financial  
3906 aid awards or tuition assistance grants. Falsification of such  
3907 information shall result in the denial of any pending  
3908 application and revocation of any award or grant currently held  
3909 to the extent that no further payments shall be made.

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3910 Additionally, students who knowingly make false statements in  
3911 order to receive state financial aid awards or tuition  
3912 assistance grants shall be guilty of a misdemeanor of the second  
3913 degree subject to the provisions of s. 837.06 and shall be  
3914 required to return all state financial aid awards or tuition  
3915 assistance grants wrongfully obtained.

3916 (5) A student who is attending a nonpublic for-profit or  
3917 nonprofit institution is ineligible to receive more than one  
3918 state award that is a tuition assistance grant during a single  
3919 semester.

3920 Section 77. Section 1009.66, Florida Statutes, is amended  
3921 to read:

3922 1009.66 Nursing Student Loan Reimbursement ~~Forgiveness~~  
3923 Program.--

3924 (1) To encourage qualified personnel to seek employment in  
3925 areas of this state in which critical nursing shortages exist,  
3926 there is established the Nursing Student Loan Reimbursement  
3927 ~~Forgiveness~~ Program. The primary function of the program is to  
3928 increase employment and retention of registered nurses and  
3929 licensed practical nurses in nursing homes and hospitals in the  
3930 state and in state-operated medical and health care facilities,  
3931 public schools, birth centers, federally sponsored community  
3932 health centers, family practice teaching hospitals, and  
3933 specialty children's hospitals and the employment and retention  
3934 of instructional faculty in nursing programs approved by the  
3935 Board of Nursing by making repayments toward loans received by  
3936 students from federal or state programs or commercial lending

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3937 institutions for the support of postsecondary study in  
3938 accredited or approved nursing programs or for the support of  
3939 study in a preparatory course for foreign-trained nurses offered  
3940 by an approved nursing program.

3941 (2) To be eligible, a candidate must have graduated from  
3942 an accredited or approved nursing program or have successfully  
3943 completed a preparatory course for foreign-trained nurses  
3944 offered by an approved nursing program and have received a  
3945 Florida license as a licensed practical nurse or a registered  
3946 nurse or a Florida certificate as an advanced registered nurse  
3947 practitioner.

3948 (3) Only loans to pay the costs of tuition, books, and  
3949 living expenses shall be covered, at an amount not to exceed  
3950 \$4,000 for each year of education toward the degree obtained.

3951 (4) From the funds available, the Department of Education  
3952 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
3953 for up to 4 years on behalf of eligible candidates pursuant to  
3954 subsection (2) selected graduates of an accredited or approved  
3955 nursing program. All repayments shall be contingent upon  
3956 continued proof of employment in the designated facilities in  
3957 this state and shall be made ~~directly~~ to the holder of the loan  
3958 or the lending institution for loans held by a lending  
3959 institution. The state shall bear no responsibility for the  
3960 collection of any interest charges or other remaining balance.  
3961 In the event that the designated facilities are changed, a nurse  
3962 shall continue to be eligible for loan reimbursement forgiveness  
3963 as long as he or she continues to work in the facility for which

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3964 the original loan repayment was made and otherwise meets all  
3965 conditions of eligibility.

3966 (5) There is created the Nursing Student Loan  
3967 Reimbursement ~~Forgiveness~~ Trust Fund to be administered by the  
3968 Department of Education ~~Health~~ pursuant to this section and s.  
3969 1009.67 and department rules. The Chief Financial Officer shall  
3970 authorize expenditures from the trust fund upon receipt of  
3971 vouchers approved by the Department of Education ~~Health~~. All  
3972 moneys collected from the private health care industry and other  
3973 private sources for the purposes of this section shall be  
3974 deposited into the Nursing Student Loan Reimbursement  
3975 ~~Forgiveness~~ Trust Fund. Any balance in the trust fund at the end  
3976 of any fiscal year shall remain therein and shall be available  
3977 for carrying out the purposes of this section and s. 1009.67.

3978 (6) In addition to licensing fees imposed under part I of  
3979 chapter 464, there is hereby levied and imposed an additional  
3980 fee of \$5, which fee shall be paid upon licensure or renewal of  
3981 nursing licensure. Revenues collected from the fee imposed in  
3982 this subsection shall be deposited in the Nursing Student Loan  
3983 Reimbursement ~~Forgiveness~~ Trust Fund of the Department of  
3984 Education ~~Health~~ and will be used solely for the purpose of  
3985 carrying out the provisions of this section and s. 1009.67. Up  
3986 to 50 percent of the revenues appropriated to implement this  
3987 subsection may be used for the nursing scholarship loan program  
3988 established pursuant to s. 1009.67.

3989 (7) Funds contained in the Nursing Student Loan  
3990 Reimbursement ~~Forgiveness~~ Trust Fund which are to be used for

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3991 loan reimbursement forgiveness for those nurses employed by  
3992 hospitals, birth centers, and nursing homes and for those nurses  
3993 employed as instructional faculty in an approved nursing program  
3994 must be matched on a dollar-for-dollar basis by contributions or  
3995 tuition reductions from the employing institutions, except that  
3996 this provision shall not apply to state-operated medical and  
3997 health care facilities, community colleges, state universities,  
3998 public schools, county health departments, federally sponsored  
3999 community health centers, teaching hospitals as defined in s.  
4000 408.07, family practice teaching hospitals as defined in s.  
4001 395.805, or specialty hospitals for children as used in s.  
4002 409.9119. An estimate of the annual trust fund dollars shall be  
4003 made at the beginning of the fiscal year based on historic  
4004 expenditures from the trust fund. Applicant requests shall be  
4005 reviewed on a quarterly basis, and applicant awards shall be  
4006 based on the following priority of employer until all such  
4007 estimated trust funds are awarded: nursing programs approved by  
4008 the Board of Nursing if the employer and the award recipient  
4009 agree that the award recipient will spend a minimum of 75  
4010 percent of his or her time providing instruction, developing  
4011 curriculum, or advising or mentoring students for the duration  
4012 of the award; state-operated medical and health care facilities;  
4013 public schools; county health departments; federally sponsored  
4014 community health centers; teaching hospitals as defined in s.  
4015 408.07; family practice teaching hospitals as defined in s.  
4016 395.805; specialty hospitals for children as used in s.  
4017 409.9119; and other hospitals, birth centers, and nursing homes.

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4018 ~~(8) The Department of Health may solicit technical~~  
4019 ~~assistance relating to the conduct of this program from the~~  
4020 ~~Department of Education.~~

4021 ~~(8)(9)~~ The Department of Education ~~Health~~ is authorized to  
4022 recover from the Nursing Student Loan Reimbursement ~~Forgiveness~~  
4023 Trust Fund its costs for administering the Nursing Student Loan  
4024 Reimbursement ~~Forgiveness~~ Program.

4025 ~~(9)(10)~~ The State Board of Education ~~Department of Health~~  
4026 may adopt rules necessary to administer this program.

4027 ~~(10)(11)~~ This section shall be implemented only as  
4028 specifically funded.

4029 ~~(11)(12)~~ Students receiving a nursing scholarship loan  
4030 pursuant to s. 1009.67 are not eligible to participate in the  
4031 Nursing Student Loan Reimbursement ~~Forgiveness~~ Program.

4032 Section 78. Section 1009.67, Florida Statutes, is amended  
4033 to read:

4034 1009.67 Nursing Scholarship Loan Program.--

4035 (1) There is established within the Department of  
4036 Education ~~Health~~ a scholarship loan program for the purpose of  
4037 attracting capable and promising students to the nursing  
4038 profession.

4039 (2) A scholarship loan applicant shall be enrolled in an  
4040 approved nursing program leading to the award of an associate  
4041 degree, a baccalaureate degree, or a graduate degree in nursing  
4042 or enrolled in a preparatory course for foreign-trained nurses  
4043 offered by an approved nursing program.

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4044 (3) A scholarship loan may be awarded for no more than 2  
4045 years, in an amount not to exceed \$8,000 per year. However,  
4046 registered nurses pursuing a graduate degree for a faculty  
4047 position or to practice as an advanced registered nurse  
4048 practitioner may receive up to \$12,000 per year. These amounts  
4049 shall be adjusted by the amount of increase or decrease in the  
4050 consumer price index for urban consumers published by the United  
4051 States Department of Commerce.

4052 (4) Credit for repayment of a scholarship loan shall be as  
4053 follows:

4054 (a) For each full year of scholarship loan assistance, the  
4055 recipient agrees to work for 12 months in a faculty position in  
4056 a college of nursing or community college nursing program in  
4057 this state and spend a minimum of 75 percent of his or her time  
4058 providing instruction, developing curriculum, or advising or  
4059 mentoring students or agrees to work for 12 months at a health  
4060 care facility in a medically underserved area as approved by the  
4061 Department of Health. Scholarship loan recipients who attend  
4062 school on a part-time basis shall have their employment service  
4063 obligation prorated in proportion to the amount of scholarship  
4064 loan payments received.

4065 (b) Eligible health care facilities include nursing homes  
4066 and hospitals in this state, state-operated medical or health  
4067 care facilities, public schools, county health departments,  
4068 federally sponsored community health centers, colleges of  
4069 nursing in universities in this state, and community college  
4070 nursing programs in this state, family practice teaching

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4071 hospitals as defined in s. 395.805, or specialty children's  
4072 hospitals as described in s. 409.9119. The recipient shall be  
4073 encouraged to complete the service obligation at a single  
4074 employment site. If continuous employment at the same site is  
4075 not feasible, the recipient may apply to the department for a  
4076 transfer to another approved health care facility.

4077 (c) Any recipient who does not complete an appropriate  
4078 program of studies, who does not become licensed, who does not  
4079 accept employment as a nurse at an approved health care  
4080 facility, or who does not complete 12 months of approved  
4081 employment for each year of scholarship loan assistance received  
4082 shall repay to the Department of Education Health, on a schedule  
4083 to be determined by the department, the entire amount of the  
4084 scholarship loan plus ~~18 percent~~ interest ~~accruing from the date~~  
4085 ~~of the scholarship payment~~. Repayment schedules and applicable  
4086 interest rates shall be determined by rules of the State Board  
4087 of Education. Moneys repaid shall be deposited into the Nursing  
4088 Student Loan Reimbursement Forgiveness Trust Fund established in  
4089 s. 1009.66. However, the department may provide additional time  
4090 for repayment if the department finds that circumstances beyond  
4091 the control of the recipient caused or contributed to the  
4092 default.

4093 (5) Scholarship loan payments shall be transmitted to the  
4094 recipient upon receipt of documentation that the recipient is  
4095 enrolled in an approved nursing program. The Department of  
4096 Education Health shall develop a formula to prorate payments to

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4097 scholarship loan recipients so as not to exceed the maximum  
4098 amount per academic year.

4099 (6) The State Board of Education ~~Department of Health~~  
4100 shall adopt rules, including rules to address extraordinary  
4101 circumstances that may cause a recipient to default on either  
4102 the school enrollment or employment contractual agreement, to  
4103 implement this section.

4104 (7) The Department of Education ~~Health~~ may recover from  
4105 the Nursing Student Loan Reimbursement ~~Forgiveness~~ Trust Fund  
4106 its costs for administering the nursing scholarship loan  
4107 program.

4108 Section 79. Section 1009.895, Florida Statutes, is created  
4109 to read:

4110 1009.895 Florida Independent Collegiate Assistance Grant  
4111 Program.--

4112 (1) The Legislature finds and declares that independent  
4113 institutions licensed by the Commission for Independent  
4114 Education are an integral part of the higher education system in  
4115 this state through which Florida residents seek higher  
4116 education. The Legislature finds that a significant number of  
4117 state residents choose to pursue higher education at these  
4118 institutions and that these institutions and the students they  
4119 educate and train make a substantial contribution to the  
4120 development of the state's economy. The Legislature intends to  
4121 create a tuition assistance grant program for state residents  
4122 that is not based upon a student's financial need or other  
4123 criteria upon which financial aid programs are based.

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4124       (2) The Florida Independent Collegiate Assistance Grant  
4125 Program, to be known as the FICA Grant Program, is created as a  
4126 student tuition assistance grant program.

4127       (a) The program shall be administered by the Department of  
4128 Education according to rules adopted by the State Board of  
4129 Education.

4130       (b) The department may issue a tuition assistance grant  
4131 under the program to any full-time student who:

4132       1. Meets student residency requirements as provided in s.  
4133 1009.40(1)(a)2.

4134       2. Is enrolled as a full-time undergraduate student in a  
4135 campus-based program at an eligible independent institution of  
4136 higher education as defined in this section and is seeking an  
4137 associate degree or higher.

4138       3. Is making satisfactory academic progress as defined by  
4139 the independent institution of higher education in which the  
4140 student is enrolled.

4141       4. Enrolls in an undergraduate degree program that leads  
4142 to employment in an occupation that is listed on a regional  
4143 targeted occupations list of a Florida workforce board at the  
4144 time of enrollment.

4145       (3) An "eligible independent institution of higher  
4146 education" is:

4147       (a) An institution that is licensed by the Commission for  
4148 Independent Education under chapter 1005, is accredited by an  
4149 accrediting agency that is recognized by the United States  
4150 Secretary of Education as a reliable authority as to the quality

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4151 of education or training offered at its accredited institutions,  
4152 and has established performance requirements for student  
4153 achievement that include minimum objective quantitative  
4154 standards, including completion rates and placement rates as  
4155 determined by the department or the commission.

4156 (b) An institution whose students are not eligible to  
4157 participate in the Access to Better Learning and Education Grant  
4158 Program or the William L. Boyd, IV, Florida Resident Access  
4159 Grant Program.

4160 (4) This section shall be implemented to the extent funded  
4161 and authorized by law.

4162 Section 80. Paragraph (z) is added to subsection (4) of  
4163 section 1009.971, Florida Statutes, to read:

4164 1009.971 Florida Prepaid College Board.--

4165 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.--The  
4166 board shall have the powers and duties necessary or proper to  
4167 carry out the provisions of ss. 1009.97-1009.984, including, but  
4168 not limited to, the power and duty to:

4169 (z) Provide for the transfer of ownership of an advance  
4170 payment contract or a participation agreement by operation of  
4171 law upon inheritance, devise, or bequest. An heir of a deceased  
4172 purchaser or a deceased benefactor may make an application to  
4173 the board under oath for a change in the purchaser or benefactor  
4174 and, upon receipt of a completed application, the board may  
4175 change the ownership of the advance payment contract or  
4176 participation agreement, as appropriate, to the heir. The board  
4177 shall specify by rule the information that must be included in

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4178 the application. When the application is made by an heir of a  
4179 deceased purchaser or deceased benefactor who died intestate, it  
4180 shall not be necessary to accompany the application with an  
4181 order of a probate court if the heir files with the board an  
4182 affidavit stating that the estate is not indebted and the  
4183 surviving spouse, if any, and the heirs, if any, have amicably  
4184 agreed among themselves upon a division of the estate. If the  
4185 deceased purchaser or deceased benefactor died testate, the  
4186 application shall be accompanied by a certified copy of the  
4187 will, if probated, and an affidavit stating that the estate is  
4188 solvent with sufficient assets to pay all just claims or, if the  
4189 will is not being probated, by a sworn copy of the will and an  
4190 affidavit stating that the estate is not indebted. Upon the  
4191 approval by the board of an application from an heir, the heir  
4192 shall become the purchaser of the advance payment contract or  
4193 the benefactor of the participation agreement. This subsection  
4194 does not apply when a purchaser or benefactor has designated in  
4195 writing to the board the person who will succeed to the  
4196 ownership of the advance payment contract or participation  
4197 agreement in the event of the purchaser's or benefactor's death,  
4198 and that person survives the purchaser or benefactor.

4199       Section 81. Subsection (5) of section 1009.972, Florida  
4200 Statutes, is amended to read:

4201       1009.972 Florida Prepaid College Trust Fund.--

4202       (5) Notwithstanding the provisions of chapter 717, funds  
4203 associated with terminated advance payment contracts pursuant to  
4204 s. 1009.98(4)(k) and canceled contracts for which no refunds

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4205 have been claimed shall be retained by the board. The board  
4206 shall establish procedures for notifying purchasers who  
4207 subsequently cancel their advance payment contracts of any  
4208 unclaimed refund and shall establish a time period after which  
4209 no refund may be claimed by a purchaser who canceled a contract.  
4210 The board may transfer funds retained from such terminated  
4211 advance payment contracts and canceled contracts to the direct-  
4212 support organization established pursuant to s. 1009.983 for the  
4213 Florida Prepaid Tuition Scholarship Program to provide matching  
4214 funds for prepaid tuition scholarships for economically  
4215 disadvantaged youth who remain drug free and crime free and for  
4216 children of members of the armed forces and Coast Guard of the  
4217 United States who die while participating in the combat theater  
4218 of operations for Operation Iraqi Freedom or Operation Enduring  
4219 Freedom on or after the date on which this act becomes a law and  
4220 were Florida residents at the time of their death or have listed  
4221 Florida as their domicile at the time of their death.

4222 Section 82. Subsection (3) and paragraph (k) of subsection  
4223 (4) of section 1009.98, Florida Statutes, are amended to read:

4224 1009.98 Florida Prepaid College Program.--

4225 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
4226 COLLEGES AND UNIVERSITIES AND TO CAREER CENTERS.--A qualified  
4227 beneficiary may apply the benefits of an advance payment  
4228 contract toward:

4229 (a) An independent college or university that is located  
4230 and chartered in Florida, ~~that is not for profit~~, that is  
4231 accredited by the Commission on Colleges of the Southern

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4232 Association of Colleges and Schools or the Accrediting Council  
4233 for Independent Colleges and Schools, and that confers degrees  
4234 as defined in s. 1005.02.

4235 (b) An out-of-state college or university that ~~is not for~~  
4236 ~~profit and~~ is accredited by a regional accrediting association,  
4237 and that confers degrees.

4238 (c) An applied technology diploma program or career  
4239 certificate program conducted by a community college listed in  
4240 s. 1004.02(2) or career center operated by a district school  
4241 board.

4242

4243 The board shall transfer or cause to be transferred to the  
4244 institution designated by the qualified beneficiary an amount  
4245 not to exceed the redemption value of the advance payment  
4246 contract at a state postsecondary institution. If the cost of  
4247 registration or housing fees at such institution is less than  
4248 the corresponding fees at a state postsecondary institution, the  
4249 amount transferred may not exceed the actual cost of  
4250 registration and housing fees. A transfer authorized under this  
4251 subsection may not exceed the number of semester credit hours or  
4252 semesters of dormitory residence contracted on behalf of a  
4253 qualified beneficiary. The board may refuse to transfer the  
4254 benefits of an advance payment contract to an otherwise eligible  
4255 institution if the institution or its representatives distribute  
4256 materials, regardless of form, that describe the use or transfer  
4257 of the benefits of an advance payment contract and that have not  
4258 been approved by the board. Notwithstanding any other provision

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4259 in this section, an institution must be an "eligible educational  
4260 institution" under s. 529 of the Internal Revenue Code to be  
4261 eligible for the transfer of advance payment contract benefits.

4262 (4) ADVANCE PAYMENT CONTRACTS.--The board shall develop  
4263 advance payment contracts for registration and may develop  
4264 advance payment contracts for dormitory residence as provided in  
4265 this section. Advance payment contracts shall be exempt from  
4266 chapter 517 and the Florida Insurance Code. Such contracts shall  
4267 include, but not be limited to, the following:

4268 (k) The period of time after which advance payment  
4269 contracts that have not been terminated or the benefits used  
4270 shall be considered terminated. Time expended by a qualified  
4271 beneficiary as an active duty member of any of the armed  
4272 services of the United States shall be added to the period of  
4273 time specified by the board. No purchaser or qualified  
4274 beneficiary whose advance payment contract is terminated  
4275 pursuant to this paragraph shall be entitled to a refund.  
4276 Notwithstanding chapter 717, the board shall retain any moneys  
4277 paid by the purchaser for an advance payment contract that has  
4278 been terminated in accordance with this paragraph. Such moneys  
4279 may be transferred to the direct-support organization  
4280 established pursuant to s. 1009.983 for the Florida Prepaid  
4281 Tuition Scholarship Program to provide matching funds for  
4282 prepaid tuition scholarships for economically disadvantaged  
4283 youths who remain drug free and crime free and for children of  
4284 members of the armed forces and Coast Guard of the United States  
4285 who die while participating in the combat theater of operations

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4286 for Operation Iraqi Freedom or Operation Enduring Freedom on or  
4287 after the date on which this act becomes a law and were Florida  
4288 residents at the time of their death or have listed Florida as  
4289 their domicile at the time of their death.

4290 Section 83. Paragraph (b) of subsection (2) of section  
4291 1009.981, Florida Statutes, is amended to read:

4292 1009.981 Florida College Savings Program.--

4293 (2) PARTICIPATION AGREEMENTS.--

4294 (b) The board shall develop a participation agreement  
4295 which shall be the agreement between the board and each  
4296 benefactor, which may include, but is not limited to:

4297 1. The name, date of birth, and social security number of  
4298 the designated beneficiary.

4299 2. The amount of the contribution or contributions and  
4300 number of contributions required from a benefactor on behalf of  
4301 a designated beneficiary.

4302 3. The terms and conditions under which benefactors shall  
4303 remit contributions, including, but not limited to, the date or  
4304 dates upon which each contribution is due. Deposits to the  
4305 savings program by benefactors may only be in cash. Benefactors  
4306 may contribute in a lump sum, periodically, in installments, or  
4307 through electronic funds transfer or employer payroll  
4308 deductions.

4309 4. Provisions for late contribution charges and for  
4310 default.

4311 5. Provisions for penalty fees for withdrawals from the  
4312 program.

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4313           6. The name of the person who may terminate participation  
4314 in the program. The participation agreement must specify whether  
4315 the account may be terminated by the benefactor, the designated  
4316 beneficiary, a specific designated person, or any combination of  
4317 these persons.

4318           7. The terms and conditions under which an account may be  
4319 terminated, modified, or converted, the name of the person  
4320 entitled to any refund due as a result of termination of the  
4321 account pursuant to such terms and conditions, and the amount of  
4322 refund, if any, due to the person so named.

4323           8. Penalties for distributions not used or made in  
4324 accordance with s. 529 of the Internal Revenue Code.

4325           9. Any charges or fees in connection with the  
4326 administration of the savings fund.

4327           10. The period of time after which each participation  
4328 agreement shall be considered to be terminated. Time expended by  
4329 a designated beneficiary as an active duty member of any of the  
4330 armed services of the United States shall be added to the period  
4331 specified pursuant to this subparagraph. Should a participation  
4332 agreement be terminated, the balance of the account, after  
4333 notice to the benefactor, shall be declared unclaimed and  
4334 abandoned property. The board shall retain any moneys paid by  
4335 the benefactor for a participation agreement that has been  
4336 terminated in accordance with this subparagraph. Such moneys may  
4337 be transferred to the direct-support organization established  
4338 pursuant to s. 1009.983 for the Florida Prepaid Tuition  
4339 Scholarship Program to provide matching funds for prepaid

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4340 tuition scholarships for economically disadvantaged youths who  
4341 remain drug free and crime free and for children of members of  
4342 the armed forces and Coast Guard of the United States who die  
4343 while participating in the combat theater of operations for  
4344 Operation Iraqi Freedom or Operation Enduring Freedom on or  
4345 after the date on which this act becomes a law and were Florida  
4346 residents at the time of their death or have listed Florida as  
4347 their domicile at the time of their death.

4348 11. Other terms and conditions deemed by the board to be  
4349 necessary or proper.

4350 Section 84. Paragraph (i) of subsection (1) of section  
4351 1011.62, Florida Statutes, is amended to read:

4352 1011.62 Funds for operation of schools.--If the annual  
4353 allocation from the Florida Education Finance Program to each  
4354 district for operation of schools is not determined in the  
4355 annual appropriations act or the substantive bill implementing  
4356 the annual appropriations act, it shall be determined as  
4357 follows:

4358 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
4359 OPERATION.--The following procedure shall be followed in  
4360 determining the annual allocation to each district for  
4361 operation:

4362 (i) Calculation of full-time equivalent membership with  
4363 respect to dual enrollment instruction ~~from community colleges~~  
4364 ~~or state universities.~~--Students enrolled in community college  
4365 or university dual enrollment instruction pursuant to s.  
4366 1007.271 may be included in calculations of full-time equivalent

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4367 student memberships for basic programs for grades 9 through 12  
4368 by a district school board. Dual enrollment instruction of high  
4369 school students that is eligible for high school and  
4370 postsecondary credit shall be reported by the school district in  
4371 an amount equal to the hours of instruction that would be  
4372 necessary to earn the FTE for the equivalent course if it were  
4373 taught in the school district. Such students may also be  
4374 calculated as the proportional shares of full-time equivalent  
4375 enrollments they generate for a ~~the~~ community college or  
4376 university conducting the dual enrollment instruction. Early  
4377 admission students shall be considered dual enrollments for  
4378 funding purposes. Students may be enrolled in dual enrollment  
4379 instruction provided by an eligible independent college or  
4380 university and may be included in calculations of full-time  
4381 equivalent student memberships for basic programs for grades 9  
4382 through 12 by a district school board. However, those provisions  
4383 of law which exempt dual enrolled and early admission students  
4384 from payment of instructional materials and tuition and fees,  
4385 including laboratory fees, shall not apply to students who  
4386 select the option of enrolling in an eligible independent  
4387 institution. An independent college or university which is  
4388 located and chartered in Florida, is not for profit, is  
4389 accredited by the Commission on Colleges of the Southern  
4390 Association of Colleges and Schools or the Accrediting Council  
4391 for Independent Colleges and Schools, and which confers degrees  
4392 as defined in s. 1005.02 shall be eligible for inclusion in the  
4393 dual enrollment or early admission program. Students enrolled in

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4394 dual enrollment instruction shall be exempt from the payment of  
4395 tuition and fees, including laboratory fees. No student enrolled  
4396 in college credit mathematics or English dual enrollment  
4397 instruction shall be funded as a dual enrollment unless the  
4398 student has successfully completed the relevant section of the  
4399 entry-level examination required pursuant to s. 1008.30.

4400 Section 85. Section 1011.83, Florida Statutes, is amended  
4401 to read:

4402 1011.83 Financial support of community colleges.--

4403 (1) Each community college that has been approved by the  
4404 Department of Education and meets the requirements of law and  
4405 rules of the State Board of Education shall participate in the  
4406 Community College Program Fund. However, funds to support  
4407 workforce education programs conducted by community colleges  
4408 shall be provided pursuant to s. 1011.80.

4409 (2) Funding for baccalaureate degree programs approved  
4410 pursuant to s. 1007.33 shall be specified in the General  
4411 Appropriations Act. A student in a baccalaureate degree program  
4412 approved pursuant to s. 1007.33 who is not classified as a  
4413 resident for tuition purposes pursuant to s. 1009.21 shall not  
4414 be included in calculations of full-time equivalent enrollments  
4415 for state funding purposes.

4416 (3) Funds specifically appropriated by the Legislature for  
4417 baccalaureate degree programs approved pursuant to s. 1007.033  
4418 may be used only for such programs. A new baccalaureate degree  
4419 program may not accept students without a recurring legislative  
4420 appropriation for this purpose. However, community colleges that

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4421 have been approved by the State Board of Education prior to July  
4422 1, 2005, to offer baccalaureate degrees are not subject to the  
4423 requirement for recurring funds until the 2006-2007 budget year.

4424 (4) A community college that grants baccalaureate degrees  
4425 shall maintain reporting and funding distinctions between any  
4426 baccalaureate degree program approved under s. 1007.33 and any  
4427 other baccalaureate degree programs involving traditional  
4428 concurrent-use partnerships.

4429 Section 86. Part VI of chapter 1011, Florida Statutes,  
4430 consisting of sections 1011.96, 1011.965, 1011.97, and 1011.98,  
4431 is created to read:

4432 1011.96 SUCCEED, FLORIDA! Crucial Professionals Program.--

4433 (1) The SUCCEED, FLORIDA! Crucial Professionals Program is  
4434 established to award funds to accredited postsecondary  
4435 educational institutions in the state on a competitive basis to  
4436 offer programs that meet the critical workforce needs of the  
4437 state and to maximize the number of diplomas, certificates, and  
4438 degrees that are awarded to postsecondary education students in  
4439 fields vital to the citizens of the state.

4440 (2) Beginning with the 2006-2007 fiscal year, funds  
4441 appropriated by the Legislature to the Department of Education  
4442 for the SUCCEED, FLORIDA! Crucial Professionals Program shall be  
4443 distributed according to the provisions of this section.

4444 (3) The department shall develop and issue annually a  
4445 request for proposals. The department shall establish  
4446 application procedures, guidelines, accountability measures, and  
4447 timelines for implementation of the grant program.

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4448 (4) Proposals for a grant authorized pursuant to this  
4449 section must:

4450 (a) Indicate the number of students to be served, the  
4451 length of the proposed program, and the total projected cost to  
4452 students and the state. Funds for a grant provided pursuant to  
4453 this section must be used to support new students and not to  
4454 supplant current funding or students.

4455 (b) Document the workforce need to be addressed.

4456 (c) Demonstrate a pool of qualified applicants.

4457 (d) Include a plan to increase the minority graduation  
4458 rate and minority presence in the workforce.

4459 (e) Be submitted by an accredited public or nonpublic  
4460 postsecondary educational institution in the state that provides  
4461 postsecondary instruction in a field specified in the priority  
4462 list established pursuant to subsection (5). For purposes of  
4463 this section, postsecondary educational institutions include  
4464 school district career centers that offer postsecondary  
4465 programs.

4466 (f) Indicate the number of postsecondary diplomas,  
4467 certificates, or degrees that the institution will award using  
4468 funds received pursuant to this section and the fields in which  
4469 the diplomas, certificates, or degrees will be awarded.

4470 (g) Indicate how the funds received will leverage private  
4471 industry contributions, grants, or scholarships and how the  
4472 funds will be used to offset costs to the state for program  
4473 startup or expansion or to offset student tuition costs.

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4474 (5) By March 1, 2006, and annually thereafter, the State  
4475 Board of Education, the Board of Governors, and the board of  
4476 directors of Workforce Florida, Inc., shall each advise the  
4477 Legislature of the state's most pressing workforce needs for  
4478 postsecondary instruction and the geographic locations of these  
4479 needs. The Legislature shall annually establish a priority list  
4480 for funds provided pursuant to this section in the General  
4481 Appropriations Act.

4482 (6) The rankings and decisions of the request-for-  
4483 proposals process shall be made by the State Board of Education  
4484 based on the priority list established pursuant to subsection  
4485 (5).

4486 (7) Grant recipients must enter into a contract with the  
4487 state to produce a specific number of graduates in the  
4488 designated program within a specific time period. Grant  
4489 recipients must submit periodic reports to the department  
4490 documenting compliance with the accountability measures  
4491 established by the department.

4492 (8) Subsequent to the first year of funding for the  
4493 SUCCEED, FLORIDA! Crucial Professionals Program, priority for  
4494 awarding grants shall be for renewal grants to programs that are  
4495 making adequate progress toward their contracted production,  
4496 including nursing programs and teaching programs at institutions  
4497 that received funding from the SUCCEED, FLORIDA! Crucial  
4498 Professionals Program during the 2005-2006 fiscal year. Renewal  
4499 award amounts shall be tied to student retention; the production  
4500 of degrees, certificates, or diplomas; the number of graduates

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4501 placed in the targeted professions in the state; or other  
4502 accountability measures determined by the department.

4503 1011.965 SUCCEED, FLORIDA! Crucial Professionals Nursing  
4504 Education Grant Program.--The SUCCEED, FLORIDA! Crucial  
4505 Professionals Nursing Education Grant Program is established as  
4506 a contract grant program within the Department of Education to  
4507 increase the capacity of nursing programs approved by the Board  
4508 of Nursing at postsecondary educational institutions to produce  
4509 more nurses or nursing faculty to enter the workforce in the  
4510 state. The department shall establish application procedures,  
4511 guidelines, accountability measures, and timelines for  
4512 implementation of the grant program and advise all Board of  
4513 Nursing approved programs accordingly.

4514 (1) Proposals for a grant authorized pursuant to this  
4515 section must:

4516 (a) Indicate the number of students to be served, the  
4517 length of the proposed program, and the projected cost.

4518 (b) Document the workforce need to be addressed through  
4519 the expanded capacity of the existing nursing program.

4520 (c) Demonstrate a pool of qualified applicants to fill the  
4521 expanded capacity.

4522 (2) Funds for a grant provided pursuant to this section  
4523 must be used to support new students and not to supplant current  
4524 funding or students. An institution applying for a grant must  
4525 certify to the department that it will not reduce funding or the  
4526 current level of enrollment in its existing nursing program. Any

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4527 such reduction shall result in a pro rata reduction in the grant  
4528 awarded pursuant to this section.

4529 (3) Priority in the awarding of new grants authorized  
4530 pursuant to this section shall be given to proposals that comply  
4531 with three or more of the following:

4532 (a) Proposals that result in new nurses in the workforce  
4533 or nurses moving to a higher level on the career ladder.

4534 (b) Proposals that could be implemented as early as the  
4535 fall 2005.

4536 (c) Proposals that include partnerships or collaborations  
4537 with other institutions, programs, or health care providers.

4538 (d) Proposals for programs offered at the worksite or  
4539 through distance learning that permit nurses to achieve a higher  
4540 level of nursing licensure.

4541 (e) Proposals for accelerated programs that shorten the  
4542 time required to receive a diploma, certificate, or degree;  
4543 obtain licensure; and enter the workforce.

4544 (f) Proposals that target exiting military personnel or  
4545 other persons interested in making career changes.

4546 (g) Proposals from nursing programs with demonstrated  
4547 success as evidenced by graduation rates, licensure examination  
4548 passage rates, and placement of graduates in nursing employment  
4549 in the state.

4550 (h) Proposals for programs that would address the state's  
4551 need for rapid production of highly skilled clinical nurses and  
4552 qualified nursing faculty, such as the fast-track baccalaureate

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4553 to doctoral program, the Clinical Nurse Leader Program, and the  
4554 Doctor of Nursing Practice program.

4555 (4) Subsequent to the first year of funding for the grant  
4556 program, priority for awarding grants shall be for renewal  
4557 grants to nursing programs that are making adequate progress  
4558 towards their contracted production.

4559 (5) Grant recipients must enter into a contract between  
4560 the postsecondary educational institution and the state to  
4561 produce a specific number of nursing graduates within a specific  
4562 time period.

4563 (6) Nursing programs receiving grants pursuant to this  
4564 section must submit periodic reports to the department  
4565 documenting compliance with the accountability measures  
4566 established by the department. Award amounts in subsequent years  
4567 shall be tied to student retention; the production of degrees,  
4568 certificates, or diplomas; and the number of graduates placed in  
4569 a nursing position in the state.

4570 (7) Proposals submitted pursuant to this section shall be  
4571 reviewed by the Board of Nursing and the State Board of  
4572 Education. Final approval and level of funding shall be  
4573 determined by the State Board of Education with consideration  
4574 given to comments submitted to the State Board of Education by  
4575 the Board of Nursing.

4576 (8) The State Board of Education shall monitor compliance  
4577 with accountability requirements.

4578 (9) By February 1, 2006, the State Board of Education  
4579 shall submit a report to the President of the Senate and the

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4580 Speaker of the House of Representatives on the status of  
4581 implementation of the grant program.

4582 1011.97 SUCCEED, FLORIDA! Career Paths Program.--

4583 (1) The SUCCEED, FLORIDA! Career Paths Program is  
4584 established as a grant program within the Department of  
4585 Education to provide startup grants to offset implementation  
4586 costs of partnerships between a district school board or the  
4587 Florida Virtual School and one or more businesses, industries,  
4588 or postsecondary educational institutions to operate a career  
4589 and professional academy pursuant to s. 1014.21. The Office of  
4590 Career Education in the department shall administer the startup  
4591 grants.

4592 (2) A district school board or the Florida Virtual School  
4593 may apply to the Office of Career Education for a grant which  
4594 must be provided through a competitive process and may be used  
4595 only for a career and professional academy.

4596 (3) A high school that currently has a career academy,  
4597 career institute, industry-certified program, or  
4598 preapprenticeship program as well as a charter technical career  
4599 center shall be eligible to apply for a grant to redesign its  
4600 programs to meet the rigorous and relevant academic standards of  
4601 a career and professional academy.

4602 (4) Curriculum and content developed in a career and  
4603 professional academy as a result of a startup grant shall be  
4604 made available to all school districts.

4605 1011.98 SUCCEED, FLORIDA! Great Jobs Program.--

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4606       (1) The SUCCEED, FLORIDA! Great Jobs Program is  
4607 established to award funds to public and private postsecondary  
4608 educational institutions in the state on a competitive basis to  
4609 produce more qualified and trained graduates to enter high-  
4610 skill, high-wage occupations in the state.

4611       (2) Beginning with the 2006-2007 fiscal year, funds  
4612 appropriated by the Legislature to the Department of Education  
4613 for the SUCCEED, FLORIDA! Great Jobs Program shall be  
4614 distributed according to the provisions of this section.

4615       (3) The department shall develop and issue annually a  
4616 request for proposals. The department shall establish  
4617 application procedures, guidelines, accountability measures, and  
4618 timelines for implementation of the grant program.

4619       (4) Proposals for a grant authorized pursuant to this  
4620 section must:

4621       (a) Indicate the number of students to be served, the  
4622 length of the proposed program, and the total projected cost to  
4623 students and the state. Funds for a grant provided pursuant to  
4624 this section must be used to support new students and not to  
4625 supplant current funding or students.

4626       (b) Document the workforce need to be addressed.

4627       (c) Demonstrate a pool of qualified applicants.

4628       (d) Be submitted by a public or nonpublic postsecondary  
4629 educational institution in the state that provides postsecondary  
4630 instruction in a field that produces graduates prepared to enter  
4631 an occupation identified in the priority list established  
4632 pursuant to subsection (5). For purposes of this section,

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4633 postsecondary educational institutions include school district  
4634 career centers that offer postsecondary programs.

4635 (e) Indicate the number of postsecondary diplomas,  
4636 certificates, or degrees that the institution will award using  
4637 funds received pursuant to this section and the fields in which  
4638 the diplomas, certificates, or degrees will be awarded.

4639 (f) Indicate how the funds received will leverage private  
4640 industry contributions, grants, or scholarships and how the  
4641 funds will be used to offset costs to the state for program  
4642 startup or expansion or to offset student tuition costs.

4643 (5) By March 1, 2006, and annually thereafter, the State  
4644 Board of Education, using information provided by the Workforce  
4645 Estimating Conference pursuant to s. 216.136(9), shall advise  
4646 the Legislature of the workforce needs in high-skill, high-wage  
4647 occupations and the geographic locations of these needs. The  
4648 Legislature shall annually establish a priority list for funds  
4649 provided pursuant to this section in the General Appropriations  
4650 Act.

4651 (6) The State Board of Education must review proposals and  
4652 determine funding to be provided based on the priority list  
4653 established pursuant to subsection (5).

4654 (7) Grant recipients must enter into a contract with the  
4655 state to produce a specific number of graduates in the  
4656 designated program within a specific time period. Grant  
4657 recipients must submit periodic reports to the department  
4658 documenting compliance with the accountability measures

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4659 established by the department. The State Board of Education must  
4660 monitor compliance with the accountability requirements.

4661 (8) Final payments shall be tied to the number of degrees,  
4662 certificates, or diplomas produced and the number of graduates  
4663 placed in the state.

4664 Section 87. Section 1012.82, Florida Statutes, is amended  
4665 to read:

4666 1012.82 Teaching faculty; minimum teaching hours per  
4667 week.--Each full-time member of the teaching faculty at any  
4668 community college, including faculty who teach upper-division  
4669 courses that are a component part of a baccalaureate degree  
4670 program approved pursuant to s. 1007.33, who is paid wholly from  
4671 funds appropriated from the community college program fund shall  
4672 teach a minimum of 15 classroom contact hours per week at such  
4673 institution. However, the required classroom contact hours per  
4674 week may be reduced upon approval of the president of the  
4675 institution in direct proportion to specific duties and  
4676 responsibilities assigned the faculty member by his or her  
4677 departmental chair or other appropriate college administrator.  
4678 Such specific duties may include specific research duties,  
4679 specific duties associated with developing television, video  
4680 tape, or other specifically assigned innovative teaching  
4681 techniques or devices, or assigned responsibility for off-campus  
4682 student internship or work-study programs. A "classroom contact  
4683 hour" consists of a regularly scheduled classroom activity of  
4684 not less than 50 minutes in a course of instruction which has  
4685 been approved by the community college board of trustees. Any

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4686 full-time faculty member who is paid partly from community  
4687 college program funds and partly from other funds or  
4688 appropriations shall teach a minimum number of classroom contact  
4689 hours per week in such proportion to 15 classroom contact hours  
4690 as his or her salary paid from community college program funds  
4691 bears to his or her total salary.

4692 Section 88. Subsection (2) of section 1013.60, Florida  
4693 Statutes, is amended to read:

4694 1013.60 Legislative capital outlay budget request.--

4695 (2) The commissioner shall submit to the Governor and to  
4696 the Legislature an integrated, comprehensive budget request for  
4697 educational facilities construction and fixed capital outlay  
4698 needs for school districts, community colleges, and  
4699 universities, pursuant to the provisions of s. 1013.64 and  
4700 applicable provisions of chapter 216. Each community college  
4701 board of trustees and each university board of trustees shall  
4702 submit to the commissioner a 3-year plan and data required in  
4703 the development of the annual capital outlay budget. Community  
4704 college boards of trustees may request funding for all  
4705 authorized programs, including approved baccalaureate degree  
4706 programs. Such a request for funding must be submitted as a part  
4707 of the 3-year priority list for community colleges pursuant to  
4708 s. 1013.64(4)(a). Enrollment in approved baccalaureate degree  
4709 programs or baccalaureate degree programs offered under a formal  
4710 agreement with another college or university pursuant to s.  
4711 1007.33 may be computed into the survey of need for facilities  
4712 if the partner is not defraying the cost. No further

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4713 disbursements shall be made from the Public Education Capital  
4714 Outlay and Debt Service Trust Fund to a board of trustees that  
4715 fails to timely submit the required data until such board of  
4716 trustees submits the data.

4717 Section 89. Chapter 1014, Florida Statutes, consisting of  
4718 sections 1014.01, 1014.05, 1014.15, 1014.18, and 1014.21, is  
4719 created to read:

4720 1014.01 Career education.--

4721 (1) As used in this chapter, the term "career education"  
4722 includes career certificate programs, applied technology diploma  
4723 programs, degree career education programs, apprenticeship and  
4724 preapprenticeship programs, career academy programs, and other  
4725 rigorous career education programs offered by school districts,  
4726 the Florida Virtual School, and postsecondary educational  
4727 institutions to prepare students for rewarding careers.

4728 (2) The rigorous career education system shall:

4729 (a) Prepare students in career education programs,  
4730 including career and professional academies, to:

4731 1. Succeed in postsecondary education.

4732 2. Attain and sustain employment and have the opportunity  
4733 to realize economic self-sufficiency.

4734 (b) Prepare students to enter rewarding careers identified  
4735 by the Workforce Estimating Conference, pursuant to s. 216.136,  
4736 and other programs of critical state need as approved by  
4737 Workforce Florida, Inc.

4738 (c) Produce skilled employees for employers in the state  
4739 pursuant to s. 445.006(1).

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4740 1014.05 Guiding principles for career education.--

4741 (1) All students should have the opportunity to graduate  
4742 from high school ready to embark on rewarding careers and  
4743 prepared for postsecondary education.

4744 (2) Both secondary and postsecondary career education  
4745 programs must include a rigorous and relevant academic program.

4746 (3) Instructional delivery systems for both secondary and  
4747 postsecondary career education programs should include qualified  
4748 teachers delivering a career education curriculum in a relevant  
4749 context with student-centered, research-based instructional  
4750 strategies and a rigorous standards-based academic curriculum.

4751 1014.15 Deputy Commissioner of Career Education; Office of  
4752 Career Education.--

4753 (1) The position of Deputy Commissioner of Career  
4754 Education is established in the Department of Education to  
4755 direct the department's Office of Career Education established  
4756 in s. 1001.20(4). The deputy commissioner shall be responsible  
4757 for evaluating the role of public and private secondary and  
4758 postsecondary educational programs in providing rigorous career  
4759 education and reporting to the Commissioner of Education the  
4760 effectiveness of such programs; developing in partnership with  
4761 the business community and Workforce Florida, Inc., a statewide  
4762 marketing plan for secondary career education to attract high  
4763 school students into careers of critical state need; and  
4764 promoting seamless articulation throughout the career education  
4765 system. The deputy commissioner shall be a person with  
4766 established business credentials or proven success in

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4767 collaborating with the private sector in designing and  
4768 implementing successful career education programs as described  
4769 in s. 1014.21. The deputy commissioner shall be appointed by the  
4770 Commissioner of Education and shall report to the commissioner.

4771 (2) The Office of Career Education shall promote a  
4772 seamless secondary through postsecondary career education system  
4773 that is flexible, able to respond in a timely manner to student  
4774 and workforce needs, and not controlled by any one education  
4775 sector.

4776 1014.18 Legislative expectations and funding criteria for  
4777 the career education system.--Legislative expectations and  
4778 funding criteria for the rigorous career education system are as  
4779 follows:

4780 (1) Seamless career education articulation both vertically  
4781 and horizontally.

4782 (2) Creative career counseling strategies and enhanced  
4783 guidance structures, including:

4784 (a) A secondary and postsecondary academic and career  
4785 education online student advising and guidance system that is  
4786 student and parent friendly and partners with the business and  
4787 industry community as well as postsecondary educational  
4788 institutions in this state and other states.

4789 (b) Promotion in middle school of secondary and  
4790 postsecondary career education programs, including opportunities  
4791 to participate in a career and professional academy. Such  
4792 promotion shall take place through middle school exploratory  
4793 courses and use of the secondary and postsecondary academic and

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4794 career education online student advising and guidance system  
4795 described in s. 1006.01.

4796 (c) Involvement of Workforce Florida, Inc., and regional  
4797 workforce boards.

4798 (d) Partnerships with business and industry using tools,  
4799 equipment, and systems used in the business setting, including  
4800 internships, externships, and on-the-job training.

4801 (e) Opportunities and encouragement for parent  
4802 participation in secondary and postsecondary career education  
4803 planning.

4804 (f) Professional development programs to assist guidance  
4805 counselors in using a mentor-teacher guidance model.

4806 (3) Review of Sunshine State Standards for high school to  
4807 ensure that they incorporate the appropriate rigor and relevance  
4808 based on research-based programs that have been proven to be  
4809 effective.

4810 (4) Review, by December 1, 2006, of current high school  
4811 graduation requirements and high school course enrollments to  
4812 determine the effect of increasing high school graduation  
4813 requirements to include four credits in mathematics and science  
4814 and eliminate the options for satisfying Algebra I.

4815 (5) Review of teaching practices and pedagogy in all  
4816 teacher preparation pathways to ensure that future teachers are  
4817 able to deliver rigorous instruction in a relevant manner using  
4818 real world work experience to teach specific skills.

4819 (6) Professional development for current teachers which  
4820 focuses on student-centered instructional strategies that move

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4821 students from the early learning stage of awareness to higher  
4822 learning stages of analysis, adaptation, and application of  
4823 knowledge.

4824 (7) Development of career and professional academies,  
4825 including:

4826 (a) Rigorous and relevant academic standards and curricula  
4827 and increased academic performance of students and schools using  
4828 school-level accountability data.

4829 (b) Best practices that include rigorous and relevant  
4830 academic standards and curricula, are based on research and  
4831 proven effective programs, and include preparation of high  
4832 school graduates for rewarding careers and postsecondary  
4833 education.

4834 (c) A plan for replicating successful academies that  
4835 demonstrate high performance in preparing students for both  
4836 rewarding careers and postsecondary education and that respond  
4837 to workforce needs.

4838 (8) Significant improvements in coordination and quality  
4839 of career education data collection, including comparison of  
4840 diploma, certificate, and degree production to workforce needs;  
4841 secondary and postsecondary career education program followup  
4842 surveys to determine student outcomes; second-year postsecondary  
4843 student resume postings on the Workforce Florida, Inc.,  
4844 employment website; and submission of student enrollment and  
4845 graduation information to the Florida Education and Training  
4846 Placement Information Program.

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4847 (9) Elimination of waiting lists for rigorous secondary  
4848 and postsecondary career education programs.

4849 (10) Aggressive promotion of the Bright Futures Florida  
4850 Gold Seal Vocational Scholarship as a career-enhancing  
4851 scholarship applicable to all postsecondary career education  
4852 programs.

4853 (11) Establishment of secondary and postsecondary career  
4854 education best practices for relevant student-centered,  
4855 research-based instructional strategies.

4856 (12) Regular review of all secondary career education  
4857 courses to identify those courses equivalent to postsecondary  
4858 career education courses based on course content for inclusion  
4859 in dual enrollment programs.

4860 (13) A marketing plan for secondary career education to  
4861 attract high school students into careers of critical state  
4862 need, developed in partnership with the business community and  
4863 Workforce Florida, Inc., that includes:

4864 (a) Direct statewide marketing to students and families in  
4865 cooperation with Workforce Florida, Inc., and the Agency for  
4866 Workforce Innovation.

4867 (b) Business participation in all career education  
4868 programs through the use of incentives.

4869 (c) Professional recruiters to provide information and  
4870 career opportunities.

4871 (d) Advertisements and public service announcement  
4872 campaigns designed by business representatives to inform

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4873 students and their parents about career education programs and  
4874 career and employment opportunities.

4875 (14) Strong coordination with Workforce Florida, Inc., and  
4876 the Agency for Workforce Innovation.

4877 (15) Workforce skills-based training that assesses  
4878 workforce skills and matches these skills with specific careers.

4879 (16) Strong criteria and accountability measures for  
4880 postsecondary career education programs, including increased  
4881 participant completion rates, program accountability, and  
4882 longitudinal program evaluation.

4883 (17) Identification and elimination of low-performing and  
4884 geographically duplicative career education programs.

4885 (18) Incentives to encourage successful participant  
4886 completion of postsecondary career education programs.

4887 (19) A methodology for business experts to be able to  
4888 teach career education subjects within their areas of expertise  
4889 in postsecondary career education programs.

4890 (20) Provision of postsecondary career education programs  
4891 in time segments needed by business.

4892 (21) Career education regional strategic plans coordinated  
4893 with regional workforce boards, area chambers of commerce, local  
4894 employers, school districts, career centers, and community  
4895 colleges that address:

4896 (a) Articulation agreements between secondary and  
4897 postsecondary career education and college programs for a  
4898 seamless transition of students and maximum transferability of  
4899 coursework through the career education system.

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4900        (b) Career ladders for students from high school through  
4901 higher levels of postsecondary training.

4902        (c) Access to career education programs through multiple  
4903 site offerings, short-term accelerated training options, and  
4904 distance learning.

4905        (22) Beginning December 31, 2005, and each year  
4906 thereafter, an articulation audit for secondary and  
4907 postsecondary career education that:

4908        (a) Focuses on courses and programs within the industry  
4909 sector targeted by Enterprise Florida, Inc., for economic  
4910 development.

4911        (b) Identifies specific improvements needed to maximize  
4912 credit given to public and private secondary and postsecondary  
4913 students.

4914        (c) Identifies successful local articulation agreements  
4915 that could be replicated statewide.

4916        (d) Identifies courses in career centers that articulate  
4917 to degree programs at postsecondary educational institutions.

4918        (23) Recommendations for changes to the current funding  
4919 methodology leading to:

4920        (a) Heightened recognition of the critical role of  
4921 rigorous career education to the state's workforce needs.

4922        (b) Flexibility of rigorous career education programs to  
4923 fill critical need careers.

4924        (c) Leveraging of private resources to create public-  
4925 private career education partnerships.

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4926 (d) Criteria for funding public postsecondary career  
4927 education that is consistent whether offered in the community  
4928 college system or the public school system.

4929 (e) SUCCEED, FLORIDA! Career Paths Program competitive  
4930 grants as provided in the General Appropriations Act.

4931 (f) Identification of appropriate cost categories and, if  
4932 needed, weighted enrollment funding for each cost category in  
4933 the Florida Education Finance Program for career and  
4934 professional academy courses or programs that use technology,  
4935 equipment, materials, and consumable supplies reflective of  
4936 industry requirements or industry certification requirements.

4937 (24) Annual recommendations for statutory and funding  
4938 revisions needed to enhance the career education system.

4939 (25) A clear and detailed annual report on the progress of  
4940 full implementation of the career education system.

4941 1014.21 Career and professional academies.--

4942 (1) Effective July 1, 2005, a "career and professional  
4943 academy" means a research-based, rigorous career education  
4944 program that combines relevant academic and technical curricula  
4945 around a career theme and is offered by a school district,  
4946 collaborating school districts, or the Florida Virtual School  
4947 for the purpose of providing an instructional delivery system  
4948 that incorporates relevant and rigorous academic standards with  
4949 industry and business relevancy.

4950 (2) Career and professional academies may be offered  
4951 through career academies, career institutes, industry-certified

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4952 career education programs, preapprenticeship programs, or  
4953 charter technical career centers.

4954 (3) Use of the title "career and professional academy" may  
4955 be employed by one or more programs in a high school, a school  
4956 within a high school, or a career center, but may only be used  
4957 when each program using the title is fully compliant with the  
4958 criteria in subsection (4).

4959 (4) Each career and professional academy must:

4960 (a) Provide a rigorous and relevant standards-based  
4961 academic curriculum through a career-based theme, using  
4962 instruction relevant to the career. The curriculum must take  
4963 into consideration multiple styles of student learning; promote  
4964 learning by doing through application and adaptation; maximize  
4965 relevance of the subject matter; enhance each student's capacity  
4966 to excel; and include an emphasis on work habits and work  
4967 ethics. Such instruction may include diversified cooperative  
4968 education, work experience, on-the-job training, and dual  
4969 enrollment.

4970 (b) Include one or more partnerships with businesses,  
4971 employers, industry economic development agencies, or other  
4972 appropriate sectors of the local community. Such a partnership  
4973 should include the opportunity for persons who are highly  
4974 skilled in the targeted subject matter of an academy program to  
4975 provide instruction for the academy.

4976 (c) Include one or more partnerships with a private or  
4977 public postsecondary educational institution accredited by a  
4978 regional or national accrediting agency recognized by the United

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4979 States Department of Education. The educational partner must  
4980 agree to articulate coursework to maximize transferability of  
4981 credit.

4982 (d) Include program offerings which correlate directly  
4983 with industry certifications, with targeted high-priority local  
4984 business and career opportunities, and with high-growth, high-  
4985 demand, and high-pay occupations identified on the statewide  
4986 targeted occupations list of the Workforce Estimating  
4987 Conference.

4988 (e) Establish strong eligibility criteria for student  
4989 participation. While recognizing that rigorous academic  
4990 performance will be expected of all students participating in an  
4991 academy, initial eligibility criteria should permit  
4992 opportunities for students who may not yet meet the academic  
4993 requirements but demonstrate characteristics that may lead to  
4994 success in an academy. The aim of an academy should be to serve  
4995 not only students who are already succeeding but also students  
4996 who would succeed if the proper teaching and motivational  
4997 opportunities are provided.

4998 (f) Establish relationships with business partners for use  
4999 of state-of-the-art equipment in the instructional program of  
5000 each academy.

5001 (5) A course offered by the Florida Virtual School related  
5002 to a career and professional academy program shall give priority  
5003 for enrollment to public school students in a career and  
5004 professional academy that does not have the specific career or  
5005 professional course offering.

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5006 (6) Middle schools are encouraged to develop curricula and  
5007 classes that will prepare students to easily and seamlessly  
5008 enter high school career and professional academies.

5009 (7)(a) The State Board of Education shall adopt rules  
5010 under ss. 120.536(1) and 120.54 to administer the provisions of  
5011 this section.

5012 (b) The State Board of Education, pursuant to s. 1008.32,  
5013 shall enforce the provisions of this section.

5014 Section 90. Paragraphs (h) and (l) of subsection (4) of  
5015 section 215.20, Florida Statutes, are amended to read:

5016 215.20 Certain income and certain trust funds to  
5017 contribute to the General Revenue Fund.--

5018 (4) The income of a revenue nature deposited in the  
5019 following described trust funds, by whatever name designated, is  
5020 that from which the appropriations authorized by subsection (3)  
5021 shall be made:

5022 (h) Within the Department of Education:

- 5023 1. The Educational Certification and Service Trust Fund.
- 5024 2. The Phosphate Research Trust Fund.
- 5025 3. The Nursing Student Loan Reimbursement Trust Fund.

5026 (l) Within the Department of Health:

- 5027 1. The Administrative Trust Fund.
- 5028 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 5029 3. The Donations Trust Fund.
- 5030 4. The Emergency Medical Services Trust Fund.
- 5031 5. The Epilepsy Services Trust Fund.
- 5032 6. The Florida Drug, Device, and Cosmetic Trust Fund.

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- 5033 7. The Grants and Donations Trust Fund.
- 5034 8. The Medical Quality Assurance Trust Fund.
- 5035 ~~9. The Nursing Student Loan Forgiveness Trust Fund.~~
- 5036 9.10. The Planning and Evaluation Trust Fund.
- 5037 10.11. The Radiation Protection Trust Fund.
- 5038

5039 The enumeration of the foregoing moneys or trust funds shall not  
5040 prohibit the applicability thereto of s. 215.24 should the  
5041 Governor determine that for the reasons mentioned in s. 215.24  
5042 the money or trust funds should be exempt herefrom, as it is the  
5043 purpose of this law to exempt income from its force and effect  
5044 when, by the operation of this law, federal matching funds or  
5045 contributions or private grants to any trust fund would be lost  
5046 to the state.

5047 Section 91. Discounted computers and Internet access for  
5048 students.--

5049 (1) There is created a program to offer computers and  
5050 Internet access at a discounted price to students enrolled in  
5051 grades 5 through 12 in a public school in the state.

5052 (2) The Department of Education shall negotiate with  
5053 computer manufacturers and with nonprofit corporations that  
5054 obtain reconditioned computer hardware concerning:

5055 (a) The prices of discounted computers and whether  
5056 computer accessories such as printers or scanners will be  
5057 offered to the students at reduced prices.

5058 (b) Specialized software and hardware packages, including,  
5059 but not limited to:

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- 5060       1. A word processor;  
5061       2. Software and hardware necessary to enable broadband  
5062 Internet access; and  
5063       3. An operating system.  
5064       (c) The type of warranty that is to be provided to the  
5065 students and whether an extended warranty will be available to  
5066 the students and under what terms.  
5067       (3) The Department of Education shall negotiate with  
5068 broadband Internet access providers concerning the prices of  
5069 discounted broadband Internet access packages. In areas in which  
5070 broadband Internet access is not currently available, the  
5071 department shall negotiate with non-broadband Internet access  
5072 providers.  
5073       (4) The Department of Education shall adopt rules  
5074 concerning:  
5075       (a) How to integrate into this program the provision of  
5076 computer or technical training to students in their respective  
5077 school districts.  
5078       (b) How parents and students may be notified of the  
5079 discounted computer and Internet access choices available.  
5080       (c) The distribution of eligibility certificates to the  
5081 students, the locations at which discounted computers and  
5082 Internet access services are available for purchase, and how  
5083 students may obtain and pay for the equipment and services  
5084 covered by this program.  
5085       Section 92. Discounted computers and Internet access for  
5086 low-income students; pilot project.--

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5087       (1) The Digital Divide Council, in consultation with the  
5088 Department of Education, shall implement a pilot project to  
5089 assist low-income students to purchase discounted computers and  
5090 Internet access services as negotiated by the department. The  
5091 council shall identify counties, grade levels, and low-income  
5092 eligibility criteria for participation in the pilot project.

5093       (2) The pilot project shall be funded in an amount to be  
5094 determined in the General Appropriations Act. The Digital Divide  
5095 Council is authorized to accept grants from additional public  
5096 and private sources to implement the pilot project.

5097       Section 93. The Office of Program Policy Analysis and  
5098 Government Accountability shall monitor and study how career and  
5099 professional academies are implemented in the state. The  
5100 following shall be the major focus of the study: to determine  
5101 whether and how much postsecondary course credit is awarded to  
5102 students and whether that credit is transferable to institutions  
5103 other than the postsecondary partner; to determine the extent to  
5104 which courses are articulating to higher certificates and  
5105 degrees; to determine if there is a better way to coordinate a  
5106 seamless progression for students in a career and professional  
5107 academy program from middle school through high school and  
5108 postsecondary education; and to make recommendations for future  
5109 changes for oversight and coordination of career education  
5110 courses and programs. The Office of Program Policy Analysis and  
5111 Government Accountability shall also determine the extent to  
5112 which and under what conditions vocational and technical centers  
5113 in states that are members of the Southern Regional Education

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

5114 Board are permitted to use the term "college" as part of their  
5115 name and the impact of such usage on accreditation, transfer of  
5116 credit, and other articulation issues. The report and  
5117 recommendations shall be submitted to the Governor, the  
5118 President of the Senate, and the Speaker of the House of  
5119 Representatives by December 1, 2007.

5120       Section 94. The Office of Program Policy Analysis and  
5121 Government Accountability shall conduct a study to examine how  
5122 each state university supports students in making timely  
5123 progress toward the completion of the student's degree. The  
5124 study shall review, at a minimum, how each university informs  
5125 students of the courses they must successfully complete for  
5126 their majors; how students are advised of satisfactory progress  
5127 toward completion of degrees; and the process used by the  
5128 institution to ensure that courses required for completion of a  
5129 degree are available each term. The study shall also evaluate  
5130 the effectiveness of each state university's current procedures,  
5131 assess the cost of implementing a universal tracking degree  
5132 audit system, and assess what savings would be accrued from such  
5133 a system. A report of the results of the study shall be  
5134 submitted to the Governor, the President of the Senate, and the  
5135 Speaker of the House of Representatives by January 1, 2006.

5136       Section 95. By July 1, 2006, the Department of Education,  
5137 with input from public and private postsecondary educational  
5138 institutions, shall identify national standardized or licensure  
5139 examinations by which secondary and postsecondary students may  
5140 demonstrate mastery of postsecondary nursing course material and

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5141 earn postsecondary credit for such courses. The examinations and  
5142 corresponding minimum scores required for an award of credit  
5143 shall be delineated by the State Board of Education in the  
5144 statewide articulation agreement. The delineation of such  
5145 examinations shall not preclude community colleges and  
5146 universities from awarding credit by examination based on  
5147 student performance on examinations developed within and  
5148 recognized by the individual postsecondary educational  
5149 institutions. By February 1, 2006, the Department of Education  
5150 shall provide to the Governor, the President of the Senate, and  
5151 the Speaker of the House of Representatives a status report on  
5152 implementation of this section.

5153       Section 96. All statutory powers, duties, functions,  
5154 records, positions, property, and unexpended balances of  
5155 appropriations, allocations, or other funds of the Department of  
5156 Health relating to the Nursing Student Loan Reimbursement  
5157 Program and the Nursing Student Loan Reimbursement Trust Fund as  
5158 created in s. 1009.66, Florida Statutes, and the Nursing  
5159 Scholarship Loan Program as created in s. 1009.67, Florida  
5160 Statutes, are transferred by a type two transfer as provided for  
5161 in s. 20.06(2), Florida Statutes, from the Department of Health  
5162 to the Department of Education.

5163       Section 97. To provide statewide guidance and coordination  
5164 with regard to bachelor of applied science degree programs,  
5165 minimize the unnecessary proliferation of such programs in  
5166 narrowly defined specialty areas, and assist the State Board of  
5167 Education in making decisions relating to the approval of

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

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5168 proposals from community colleges to offer such programs, the  
5169 state board shall convene a workgroup with representatives from  
5170 community colleges, state universities, and independent colleges  
5171 and universities to develop recommendations on the degree  
5172 requirements for a bachelor of applied science degree and  
5173 protocols for accepting credits earned by transfer students in  
5174 such programs. The State Board of Education shall submit a  
5175 report on the findings and recommendations of the workgroup to  
5176 the President of the Senate and the Speaker of the House of  
5177 Representatives by February 1, 2006. This does not preclude any  
5178 recommendation or authorization regarding the Daytona Beach  
5179 Community College proposal for a bachelor of applied science  
5180 degree program presented at the April 2005 meeting of the State  
5181 Board of Education.

5182 Section 98. Approval is granted for the endowment for the  
5183 Appleton Museum of Art, currently held by the Appleton Cultural  
5184 Center, Inc., to be transferred to the Central Florida Community  
5185 College Foundation. The endowment to be transferred, which  
5186 includes state matching funds, was established in 1987 through  
5187 the Cultural Arts Endowment Program. By this provision, the  
5188 Central Florida Community College Foundation is authorized to  
5189 manage the endowment only for the support of the educational  
5190 program at the Appleton Museum of Art and is released from all  
5191 other provisions of the Trust Agreement dated July 17, 1987, by  
5192 and between the State of Florida and the Appleton Cultural  
5193 Center, Inc., and ss. 265.601-265.607, Florida Statutes.

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

5194 Section 99. Section 1002.39, Florida Statutes, is amended  
5195 to read:

5196 1002.39 The John M. McKay Scholarships for Students with  
5197 Disabilities Program.--There is established a program that is  
5198 separate and distinct from the Opportunity Scholarship Program  
5199 and is named the John M. McKay Scholarships for Students with  
5200 Disabilities Program, ~~pursuant to this section.~~

5201 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
5202 DISABILITIES PROGRAM.--The John M. McKay Scholarships for  
5203 Students with Disabilities Program is established to provide the  
5204 option to attend a public school other than the one to which  
5205 assigned, or to provide a scholarship to a private school of  
5206 choice, for students with disabilities for whom an individual  
5207 education plan has been written in accordance with rules of the  
5208 State Board of Education. Students with disabilities include K-  
5209 12 students who are documented as having mental retardation; a  
5210 mentally handicapped, speech or and language impairment; a  
5211 impaired, deaf or hard of hearing impairment, including  
5212 deafness; a visual impairment, including blindness; a visually  
5213 impaired, dual sensory impairment; a physical impairment; a  
5214 serious emotional disturbance, including an emotional handicap;  
5215 a impaired, physically impaired, emotionally handicapped,  
5216 specific learning disability, including, but not limited to,  
5217 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
5218 brain injury; disabled, hospitalized or homebound, or autism  
5219 autistic.

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

5220 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.--The parent of  
5221 a public school student with a disability who is dissatisfied  
5222 with the student's progress may request and receive from the  
5223 state a John M. McKay Scholarship for the child to enroll in and  
5224 attend a private school in accordance with this section if:

5225 (a) ~~By assigned school attendance area or by special~~  
5226 ~~assignment~~, The student has spent the prior school year in  
5227 attendance at a Florida public school or the Florida School for  
5228 the Deaf and the Blind. Prior school year in attendance means  
5229 that the student was:

5230 1. Enrolled and reported by a school district for funding  
5231 during the preceding October and February Florida Education  
5232 Finance Program surveys in kindergarten through grade 12, which  
5233 shall include time spent in a Department of Juvenile Justice  
5234 commitment program if funded under the Florida Education Finance  
5235 Program;

5236 2. Enrolled and reported by the Florida School for the  
5237 Deaf and the Blind during the preceding October and February  
5238 student membership surveys in kindergarten through grade 12; or

5239 3. Enrolled and reported by a school district for funding  
5240 during the preceding October and February Florida Education  
5241 Finance Program surveys, at least 4 years old when so enrolled  
5242 and reported, and eligible for services under s. 1003.21(1)(e).

5243  
5244 However, ~~this paragraph does not apply~~ to a dependent child of a  
5245 member of the United States Armed Forces who transfers to a  
5246 school in this state from out of state or from a foreign country

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5247 pursuant to a parent's permanent change of station orders is  
5248 exempt from this paragraph but. ~~A dependent child of a member of~~  
5249 ~~the United States Armed Forces who transfers to a school in this~~  
5250 ~~state from out of state or from a foreign country pursuant to a~~  
5251 ~~parent's permanent change of station orders~~ must meet all other  
5252 eligibility requirements to participate in the program.

5253 (b) The parent has obtained acceptance for admission of  
5254 the student to a private school that is eligible for the program  
5255 under subsection (8)~~(4)~~ and has requested from the department  
5256 ~~notified the school district of the request for a scholarship at~~  
5257 ~~least 60 days prior to the date of the first scholarship~~  
5258 ~~payment. The request parental notification~~ must be through a  
5259 communication directly to the department ~~district or through the~~  
5260 ~~Department of Education to the district~~ in a manner that creates  
5261 a written or electronic record of the request ~~notification~~ and  
5262 the date of receipt of the request ~~notification~~.

5263  
5264 ~~This section does not apply to a student who is enrolled in a~~  
5265 ~~school operating for the purpose of providing educational~~  
5266 ~~services to youth in Department of Juvenile Justice commitment~~  
5267 ~~programs. For purposes of continuity of educational choice, the~~  
5268 ~~scholarship shall remain in force until the student returns to a~~  
5269 ~~public school or graduates from high school. However, at any~~  
5270 ~~time, the student's parent may remove the student from the~~  
5271 ~~private school and place the student in another private school~~  
5272 ~~that is eligible for the program under subsection (4) or in a~~  
5273 ~~public school as provided in subsection (3).~~

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5274 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.--A student is  
5275 not eligible for a John M. McKay Scholarship while he or she is:

5276 (a) Enrolled in a school operating for the purpose of  
5277 providing educational services to youth in Department of  
5278 Juvenile Justice commitment programs.

5279 (b) Receiving a corporate income tax credit scholarship  
5280 under s. 220.187.

5281 (c) Receiving an educational scholarship pursuant to this  
5282 chapter.

5283 (d) Participating in a home education program as defined  
5284 in s. 1002.01(1).

5285 (e) Participating in a private tutoring program pursuant  
5286 to s. 1002.43.

5287 (f) Participating in a virtual school, correspondence  
5288 school, or distance learning program that receives state funding  
5289 pursuant to the student's participation.

5290 (g) Enrolled in the Florida School for the Deaf and the  
5291 Blind.

5292 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.--

5293 (a) For purposes of continuity of educational choice, a  
5294 John M. McKay Scholarship shall remain in force until the  
5295 student returns to a public school, graduates from high school,  
5296 or reaches the age of 22, whichever occurs first.

5297 (b) Upon reasonable notice to the department and the  
5298 school district, the student's parent may remove the student  
5299 from the private school and place the student in a public  
5300 school, as provided in subparagraph (5)(a)2.

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5301 (c) Upon reasonable notice to the department, the  
5302 student's parent may move the student from one participating  
5303 private school to another participating private school.

5304 ~~(5)(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION~~  
5305 ~~OBLIGATIONS; PARENTAL OPTIONS.--~~

5306 (a)1. By April 1 of each year and within 10 days after an  
5307 individual education plan meeting, a school district shall  
5308 ~~timely~~ notify the parent of the student of all options available  
5309 pursuant to this section, inform the parent of the availability  
5310 of the department's telephone hotline and Internet website for  
5311 additional information on John M. McKay Scholarships, and offer  
5312 that student's parent an opportunity to enroll the student in  
5313 another public school within the district.

5314 2. The parent is not required to accept the ~~this~~ offer of  
5315 enrolling in another public school in lieu of requesting a John  
5316 M. McKay Scholarship to a private school. However, if the parent  
5317 chooses the public school option, the student may continue  
5318 attending a public school chosen by the parent until the student  
5319 graduates from high school.

5320 3. If the parent chooses a public school consistent with  
5321 the district school board's choice plan under s. 1002.31, the  
5322 school district shall provide transportation to the public  
5323 school selected by the parent. The parent is responsible to  
5324 provide transportation to a public school chosen that is not  
5325 consistent with the district school board's choice plan under s.  
5326 1002.31.

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5327 (b)1. For a student with disabilities who does not have a  
5328 matrix of services under s. 1011.62(1)(e), the school district  
5329 must complete a matrix that assigns the student to one of the  
5330 levels of service as they existed prior to the 2000-2001 school  
5331 year.

5332 2.a. Within 10 school days after it receives notification  
5333 of a parent's request for a John M. McKay Scholarship, a  
5334 district school board must notify the student's parent if the  
5335 matrix has not been completed and inform the parent that the  
5336 district is required to complete the matrix within 30 days after  
5337 receiving notice of the parent's request for a John M. McKay  
5338 Scholarship. This notice should include the required completion  
5339 date for the matrix.

5340 b. The school district must complete the matrix of  
5341 services for any student who is participating in the John M.  
5342 McKay Scholarships for Students with Disabilities Program and  
5343 must notify the department ~~of Education~~ of the student's matrix  
5344 level within 30 days after receiving notification of a request  
5345 ~~by the student's parent of intent~~ to participate in the  
5346 scholarship program. The school district must provide the  
5347 student's parent with the student's matrix level within 10  
5348 school days after its completion.

5349 c. The department ~~of Education~~ shall notify the private  
5350 school of the amount of the scholarship within 10 days after  
5351 receiving the school district's notification of the student's  
5352 matrix level. ~~Within 10 school days after it receives~~  
5353 ~~notification of a parent's intent to apply for a McKay~~

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5354 ~~Scholarship, a district school board must notify the student's~~  
5355 ~~parent if the matrix has not been completed and provide the~~  
5356 ~~parent with the date for completion of the matrix required in~~  
5357 ~~this paragraph.~~

5358 d. A school district may change a matrix of services only  
5359 if the change is to correct a technical, typographical, or  
5360 calculation error.

5361 (c) A school district shall provide notification to  
5362 parents of the availability of a reevaluation at least every 3  
5363 years of each student who receives a John M. McKay Scholarship.

5364 (d)(e) If the parent chooses the private school option and  
5365 the student is accepted by the private school pending the  
5366 availability of a space for the student, the parent of the  
5367 student must notify the department ~~school district~~ 60 days prior  
5368 to the first scholarship payment and before entering the private  
5369 school in order to be eligible for the scholarship when a space  
5370 becomes available for the student in the private school.

5371 (e)(d) The parent of a student may choose, as an  
5372 alternative, to enroll the student in and transport the student  
5373 to a public school in an adjacent school district which has  
5374 available space and has a program with the services agreed to in  
5375 the student's individual education plan already in place, and  
5376 that school district shall accept the student and report the  
5377 student for purposes of the district's funding pursuant to the  
5378 Florida Education Finance Program.

5379 (f)(e) For a student in the district who participates in  
5380 the John M. McKay Scholarships for Students with Disabilities

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5381 Program whose parent requests that the student take the  
5382 statewide assessments under s. 1008.22, the district shall  
5383 provide locations and times to take all statewide assessments.

5384 ~~(f) A school district must notify the Department of~~  
5385 ~~Education within 10 days after it receives notification of a~~  
5386 ~~parent's intent to apply for a scholarship for a student with a~~  
5387 ~~disability. A school district must provide the student's parent~~  
5388 ~~with the student's matrix level within 10 school days after its~~  
5389 ~~completion.~~

5390 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department  
5391 shall:

5392 (a) Establish a toll-free hotline that provides parents  
5393 and private schools with information on participation in the  
5394 John M. McKay Scholarships for Students with Disabilities  
5395 Program.

5396 (b) Annually verify the eligibility of private schools  
5397 that meet the requirements of subsection (8).

5398 (c) Establish a process by which individuals may notify  
5399 the department of any violation by a parent, private school, or  
5400 school district of state laws relating to program participation.  
5401 The department shall conduct an investigation of any written  
5402 complaint of a violation of this section, or make a referral to  
5403 the appropriate agency for an investigation, if the complaint is  
5404 signed by the complainant and is legally sufficient. A complaint  
5405 is legally sufficient if it contains ultimate facts that show  
5406 that a violation of this section or any rule adopted by the  
5407 State Board of Education has occurred. In order to determine

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5408 legal sufficiency, the department may require supporting  
5409 information or documentation from the complainant.

5410 (d) Require an annual, notarized, sworn compliance  
5411 statement by participating private schools certifying compliance  
5412 with state laws and shall retain such records.

5413 (e) Cross-check the list of participating scholarship  
5414 students with the public school enrollment lists prior to the  
5415 first scholarship payment to avoid duplication.

5416 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.--

5417 (a) The Commissioner of Education shall deny, suspend, or  
5418 revoke a private school's participation in the scholarship  
5419 program if it is determined that the private school has failed  
5420 to comply with the provisions of this section. However, in  
5421 instances in which the noncompliance is correctable within a  
5422 reasonable amount of time and in which the health, safety, and  
5423 welfare of the students are not threatened, the commissioner may  
5424 issue a notice of noncompliance which shall provide the private  
5425 school with a timeframe within which to provide evidence of  
5426 compliance prior to taking action to suspend or revoke the  
5427 private school's participation in the scholarship program.

5428 (b) The commissioner's determination is subject to the  
5429 following:

5430 1. If the commissioner intends to deny, suspend, or revoke  
5431 a private school's participation in the scholarship program, the  
5432 department shall notify the private school of such proposed  
5433 action in writing by certified mail and regular mail to the  
5434 private school's address of record with the department. The

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5435 notification shall include the reasons for the proposed action  
5436 and notice of the timelines and procedures set forth in this  
5437 paragraph.

5438 2. The private school that is adversely affected by the  
5439 proposed action shall have 15 days from receipt of the notice of  
5440 proposed action to file with the department's agency clerk a  
5441 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
5442 the private school is entitled to a hearing under s. 120.57(1),  
5443 the department shall forward the request to the Division of  
5444 Administrative Hearings.

5445 3. Upon receipt of a request referred pursuant to this  
5446 paragraph, the director of the Division of Administrative  
5447 Hearings shall expedite the hearing and assign an administrative  
5448 law judge who shall commence a hearing within 30 days after the  
5449 receipt of the formal written request by the division and enter  
5450 a recommended order within 30 days after the hearing or within  
5451 30 days after receipt of the hearing transcript, whichever is  
5452 later. Each party shall be allowed 10 days in which to submit  
5453 written exceptions to the recommended order. A final order shall  
5454 be entered by the agency within 30 days after the entry of a  
5455 recommended order. The provisions of this subparagraph may be  
5456 waived upon stipulation by all parties.

5457 (c) The commissioner may immediately suspend payment of  
5458 scholarship funds if it is determined that there is probable  
5459 cause to believe that there is:

5460 1. An imminent threat to the health, safety, and welfare  
5461 of the students; or

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5462 2. Fraudulent activity on the part of the private school.

5463  
5464 The commissioner's order suspending payment pursuant to this  
5465 paragraph may be appealed pursuant to the same procedures and  
5466 timelines as the notice of proposed action set forth in  
5467 paragraph (b).

5468 (8)(4) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.--To be  
5469 eligible to participate in the John M. McKay Scholarships for  
5470 Students with Disabilities Program, a private school ~~must be a~~  
5471 Florida private school, may be sectarian or nonsectarian, and  
5472 must:

5473 (a) Comply with all requirements for private schools  
5474 participating in state school choice scholarship programs  
5475 pursuant to s. 1002.421.

5476 (b) Provide the department all documentation required for  
5477 a student's participation, including the private school's and  
5478 student's fee schedules, at least 30 days before the first  
5479 quarterly scholarship payment is made for the student.

5480 (c) Be academically accountable to the parent for meeting  
5481 the educational needs of the student by:

5482 1. At a minimum, annually providing to the parent a  
5483 written explanation of the student's progress.

5484 2. Cooperating with the scholarship student whose parent  
5485 chooses to participate in the statewide assessments pursuant to  
5486 s. 1008.22.

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5488 The inability of a private school to meet the requirements of  
5489 this subsection shall constitute a basis for the ineligibility  
5490 of the private school to participate in the scholarship program  
5491 as determined by the department.

5492 ~~(a) Demonstrate fiscal soundness by being in operation for~~  
5493 ~~1 school year or provide the Department of Education with a~~  
5494 ~~statement by a certified public accountant confirming that the~~  
5495 ~~private school desiring to participate is insured and the owner~~  
5496 ~~or owners have sufficient capital or credit to operate the~~  
5497 ~~school for the upcoming year serving the number of students~~  
5498 ~~anticipated with expected revenues from tuition and other~~  
5499 ~~sources that may be reasonably expected. In lieu of such a~~  
5500 ~~statement, a surety bond or letter of credit for the amount~~  
5501 ~~equal to the scholarship funds for any quarter may be filed with~~  
5502 ~~the department.~~

5503 ~~(b) Notify the Department of Education of its intent to~~  
5504 ~~participate in the program under this section. The notice must~~  
5505 ~~specify the grade levels and services that the private school~~  
5506 ~~has available for students with disabilities who are~~  
5507 ~~participating in the scholarship program.~~

5508 ~~(c) Comply with the antidiscrimination provisions of 42~~  
5509 ~~U.S.C. s. 2000d.~~

5510 ~~(d) Meet state and local health and safety laws and codes.~~

5511 ~~(e) Be academically accountable to the parent for meeting~~  
5512 ~~the educational needs of the student.~~

5513 ~~(f) Employ or contract with teachers who hold~~  
5514 ~~baccalaureate or higher degrees, or have at least 3 years of~~

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5515 ~~teaching experience in public or private schools, or have~~  
5516 ~~special skills, knowledge, or expertise that qualifies them to~~  
5517 ~~provide instruction in subjects taught.~~

5518 ~~(g) Comply with all state laws relating to general~~  
5519 ~~regulation of private schools.~~

5520 ~~(h) Adhere to the tenets of its published disciplinary~~  
5521 ~~procedures prior to the expulsion of a scholarship student.~~

5522 (9)(5) PARENT AND STUDENT RESPONSIBILITIES FOR OBLIGATION  
5523 OF PROGRAM PARTICIPATION PARTICIPANTS.--A parent who applies for  
5524 a John M. McKay Scholarship is exercising his or her parental  
5525 option to place his or her child in a private school.

5526 ~~(a) A parent who applies for a John M. McKay Scholarship~~  
5527 ~~is exercising his or her parental option to place his or her~~  
5528 ~~child in a private school. The parent must select the private~~  
5529 ~~school and apply for the admission of his or her child.~~

5530 ~~(b) The parent must have requested the scholarship at~~  
5531 ~~least 60 days prior to the date of the first scholarship~~  
5532 ~~payment.~~

5533 ~~(c) Any student participating in the John M. McKay~~  
5534 ~~Scholarships for Students with Disabilities scholarship Program~~  
5535 ~~must remain in attendance throughout the school year, unless~~  
5536 ~~excused by the school for illness or other good cause, and must~~  
5537 ~~comply fully with the school's code of conduct.~~

5538 ~~(d) Each The parent and of each student has an obligation~~  
5539 ~~to the private school to participating in the scholarship~~  
5540 ~~program must comply fully with the private school's published~~

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5541 ~~policies parental involvement requirements, unless excused by~~  
5542 ~~the school for illness or other good cause.~~

5543 (e) If the parent requests that the student participating  
5544 in the John M. McKay Scholarships for Students with Disabilities  
5545 ~~scholarship~~ Program take all statewide assessments required  
5546 pursuant to s. 1008.22, the parent is responsible for  
5547 transporting the student to the assessment site designated by  
5548 the school district.

5549 (f) Upon receipt of a scholarship warrant, the parent to  
5550 whom the warrant is made must restrictively endorse the warrant  
5551 to the private school for deposit into the account of the  
5552 private school. The parent may not designate any entity or  
5553 individual associated with the participating private school as  
5554 the parent's attorney in fact to sign a scholarship warrant. A  
5555 participant who fails to comply with this paragraph forfeits the  
5556 scholarship.

5557 ~~(g) A participant who fails to comply with this subsection~~  
5558 ~~forfeits the scholarship.~~

5559 ~~(10)(6)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.--

5560 (a)1. The maximum scholarship granted for an eligible  
5561 student with disabilities shall be a calculated amount  
5562 equivalent to the base student allocation in the Florida  
5563 Education Finance Program multiplied by the appropriate cost  
5564 factor for the educational program that would have been provided  
5565 for the student in the district school to which he or she was  
5566 assigned, multiplied by the district cost differential.

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5567           2. In addition, a share of the guaranteed allocation for  
5568 exceptional students shall be determined and added to the  
5569 calculated amount. The calculation shall be based on the  
5570 methodology and the data used to calculate the guaranteed  
5571 allocation for exceptional students for each district in chapter  
5572 2000-166, Laws of Florida. Except as provided in subparagraphs  
5573 ~~subparagraph~~ 3. and 4., the calculation shall be based on the  
5574 student's grade, matrix level of services, and the difference  
5575 between the 2000-2001 basic program and the appropriate level of  
5576 services cost factor, multiplied by the 2000-2001 base student  
5577 allocation and the 2000-2001 district cost differential for the  
5578 sending district. Also, the calculated amount shall include the  
5579 per-student share of supplemental academic instruction funds,  
5580 instructional materials funds, technology funds, and other  
5581 categorical funds as provided for such purposes in the General  
5582 Appropriations Act.

5583           3. The calculated scholarship amount for a student who has  
5584 spent the prior school year in attendance at the Florida School  
5585 for the Deaf and the Blind shall be calculated as provided in  
5586 subparagraphs 1. and 2. However, the calculation shall be based  
5587 on the school district in which the parent resides at the time  
5588 of the scholarship request.

5589           ~~4.3.~~ Until the school district completes the matrix  
5590 required by paragraph ~~(5)(3)(b)~~, the calculation shall be based  
5591 on the matrix that assigns the student to support level I of  
5592 service as it existed prior to the 2000-2001 school year. When

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5593 the school district completes the matrix, the amount of the  
5594 payment shall be adjusted as needed.

5595 (b) The amount of the John M. McKay Scholarship shall be  
5596 the calculated amount or the amount of the private school's  
5597 tuition and fees, whichever is less. The amount of any  
5598 assessment fee required by the participating private school may  
5599 be paid from the total amount of the scholarship.

5600 ~~(c) If the participating private school requires partial~~  
5601 ~~payment of tuition prior to the start of the academic year to~~  
5602 ~~reserve space for students admitted to the school, that partial~~  
5603 ~~payment may be paid by the Department of Education prior to the~~  
5604 ~~first quarterly payment of the year in which the John M. McKay~~  
5605 ~~Scholarship is awarded, up to a maximum of \$1,000, and deducted~~  
5606 ~~from subsequent scholarship payments. If a student decides not~~  
5607 ~~to attend the participating private school, the partial~~  
5608 ~~reservation payment must be returned to the Department of~~  
5609 ~~Education by the participating private school. There is a limit~~  
5610 ~~of one reservation payment per student per year.~~

5611 (c)1.(d) The school district shall report all students who  
5612 are attending a private school under this program. The students  
5613 with disabilities attending private schools on John M. McKay  
5614 Scholarships shall be reported separately from other students  
5615 reported for purposes of the Florida Education Finance Program.

5616 2. For program participants who are eligible under  
5617 subparagraph (2)(a)2., the school district that is used as the  
5618 basis for the calculation of the scholarship amount as provided  
5619 in subparagraph (a)3. shall:

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5620        a. Report to the department all such students who are  
5621 attending a private school under this program.

5622        b. Be held harmless for such students from the weighted  
5623 enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.a.  
5624 during the first school year in which the students are reported.

5625        (d)(e) Following notification on July 1, September 1,  
5626 December 1, or February 1 of the number of program participants,  
5627 the department of ~~Education~~ shall transfer, from General Revenue  
5628 funds only, the amount calculated under paragraph (b) from the  
5629 school district's total funding entitlement under the Florida  
5630 Education Finance Program and from authorized categorical  
5631 accounts to a separate account for the scholarship program for  
5632 quarterly disbursement to the parents of participating students.  
5633 Funds may not be transferred from any funding provided to the  
5634 Florida School for the Deaf and the Blind for program  
5635 participants who are eligible under subparagraph (2)(a)2. For a  
5636 student exiting a Department of Juvenile Justice commitment  
5637 program who chooses to participate in the scholarship program,  
5638 the amount of the John M. McKay Scholarship calculated pursuant  
5639 to paragraph (b) shall be transferred from the school district  
5640 in which the student last attended a public school prior to  
5641 commitment to the Department of Juvenile Justice. When a student  
5642 enters the scholarship program, the department of ~~Education~~ must  
5643 receive all documentation required for the student's  
5644 participation, including the private school's and student's fee  
5645 schedules, at least 30 days before the first quarterly

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5646 scholarship payment is made for the student. ~~The Department of~~  
5647 ~~Education may not make any retroactive payments.~~

5648 (e)(f) Upon notification proper documentation reviewed and  
5649 approved by the department that it has received the  
5650 documentation required under paragraph (d) Department of  
5651 ~~Education~~, the Chief Financial Officer shall make scholarship  
5652 payments in four equal amounts no later than September 1,  
5653 November 1, February 1, and April 1 15 of each academic year in  
5654 which the scholarship is in force. The initial payment shall be  
5655 made after department ~~of Education~~ verification of admission  
5656 acceptance, and subsequent payments shall be made upon  
5657 verification of continued enrollment and attendance at the  
5658 private school. Payment must be by individual warrant made  
5659 payable to the student's parent and mailed by the department ~~of~~  
5660 ~~Education~~ to the private school of the parent's choice, and the  
5661 parent shall restrictively endorse the warrant to the private  
5662 school for deposit into the account of the private school.

5663 (f) Subsequent to each scholarship payment, the Department  
5664 of Financial Services shall randomly review endorsed warrants to  
5665 confirm compliance with endorsement requirements. The Department  
5666 of Financial Services shall immediately report inconsistencies  
5667 or irregularities to the department.

5668 (11)(7) LIABILITY.--No liability shall arise on the part  
5669 of the state based on the award or use of a John M. McKay  
5670 Scholarship.

5671 (12) SCOPE OF AUTHORITY.--The inclusion of eligible  
5672 private schools within options available to Florida public

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5673 | school students does not expand the regulatory authority of the  
5674 | state, its officers, or any school district to impose any  
5675 | additional regulation of private schools beyond those reasonably  
5676 | necessary to enforce requirements expressly set forth in this  
5677 | section.

5678 |       (13)(8) RULES.--The State Board of Education shall adopt  
5679 | rules pursuant to ss. 120.536(1) and 120.54 to administer this  
5680 | section, including rules that school districts must use to  
5681 | expedite the development of a matrix of services based on an  
5682 | active ~~a current~~ individual education plan from another state or  
5683 | a foreign country for a transferring student with a disability  
5684 | who is a dependent child of a member of the United States Armed  
5685 | Forces. The rules must identify the appropriate school district  
5686 | personnel who must complete the matrix of services. For purposes  
5687 | of these rules, a transferring student with a disability is one  
5688 | who was previously enrolled as a student with a disability in an  
5689 | out-of-state or an out-of-country public or private school or  
5690 | agency program and who is transferring from out of state or from  
5691 | a foreign country pursuant to a parent's permanent change of  
5692 | station orders. ~~However, the inclusion of eligible private~~  
5693 | ~~schools within options available to Florida public school~~  
5694 | ~~students does not expand the regulatory authority of the state,~~  
5695 | ~~its officers, or any school district to impose any additional~~  
5696 | ~~regulation of private schools beyond those reasonably necessary~~  
5697 | ~~to enforce requirements expressly set forth in this section.~~

5698 |       Section 100. Section 220.187, Florida Statutes, is amended  
5699 | to read:

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Amendment No. (for drafter's use only)

5700 220.187 Credits for contributions to nonprofit  
5701 scholarship-funding organizations.--

5702 (1) PURPOSE.--The purpose of this section is to:

5703 (a) Encourage private, voluntary contributions to  
5704 nonprofit scholarship-funding organizations.

5705 (b) Expand educational opportunities for children of  
5706 families that have limited financial resources.

5707 (c) Enable children in this state to achieve a greater  
5708 level of excellence in their education.

5709 (2) DEFINITIONS.--As used in this section, the term:

5710 (a) "Department" means the Department of Revenue.

5711 (b) "Eligible contribution" means a monetary contribution  
5712 from a taxpayer, subject to the restrictions provided in this  
5713 section, to an eligible nonprofit scholarship-funding  
5714 organization. The taxpayer making the contribution may not  
5715 designate a specific child as the beneficiary of the  
5716 contribution. ~~The taxpayer may not contribute more than \$5~~  
5717 ~~million to any single eligible nonprofit scholarship-funding~~  
5718 ~~organization.~~

5719 (c)(d) "Eligible nonprofit scholarship-funding  
5720 organization" means a charitable organization that:

5721 1. Is exempt from federal income tax pursuant to s.  
5722 501(c)(3) of the Internal Revenue Code.

5723 2. Is a Florida entity formed under chapter 607, chapter  
5724 608, or chapter 617 and whose principal office is located in the  
5725 state.

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5726 3. ~~and that~~ Complies with the provisions of subsection  
5727 ~~(6)(4).~~

5728 ~~(d)(e)~~ "Eligible private nonpublic school" means a private  
5729 nonpublic school, as defined in s. 1002.01(2), located in  
5730 Florida that offers an education to students in any grades K-12  
5731 and that meets the requirements in subsection ~~(8)(6).~~

5732 (e) "Owner or operator" includes:

5733 1. An owner, president, officer, or director of an  
5734 eligible nonprofit scholarship-funding organization or a person  
5735 with equivalent decisionmaking authority over an eligible  
5736 nonprofit scholarship-funding organization.

5737 2. An owner, operator, superintendent, or principal of an  
5738 eligible private school or a person with equivalent  
5739 decisionmaking authority over an eligible private school.

5740 ~~(e) "Qualified student" means a student who qualifies for~~  
5741 ~~free or reduced-price school lunches under the National School~~  
5742 ~~Lunch Act and who:~~

5743 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.--The Corporate  
5744 Income Tax Credit Scholarship Program is established. A student  
5745 is eligible for a corporate income tax credit scholarship if the  
5746 student qualifies for free or reduced-price school lunches under  
5747 the National School Lunch Act and:

5748 (a)1. Was counted as a full-time equivalent student during  
5749 the previous state fiscal year for purposes of state per-student  
5750 funding;

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5751 (b)2- Received a scholarship from an eligible nonprofit  
5752 scholarship-funding organization during the previous school  
5753 year; or

5754 (c)3- Is eligible to enter kindergarten or first grade.

5755

5756 A student may continue in the scholarship program as long as the  
5757 family income level does not exceed 200 percent of the federal  
5758 poverty level.

5759 (4) SCHOLARSHIP PROHIBITIONS.--A student is not eligible  
5760 for a scholarship while he or she is:

5761 (a) Enrolled in a school operating for the purpose of  
5762 providing educational services to youth in Department of  
5763 Juvenile Justice commitment programs.

5764 (b) Receiving a scholarship from another eligible  
5765 nonprofit scholarship-funding organization under this section.

5766 (c) Receiving an educational scholarship pursuant to  
5767 chapter 1002.

5768 (d) Participating in a home education program as defined  
5769 in s. 1002.01(1).

5770 (e) Participating in a private tutoring program pursuant  
5771 to s. 1002.43.

5772 (f) Participating in a virtual school, correspondence  
5773 school, or distance learning program that receives state funding  
5774 pursuant to the student's participation.

5775 (g) Enrolled in the Florida School for the Deaf and the  
5776 Blind.

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5777        ~~(5)(3)~~ AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
5778 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

5779            (a) There is allowed a credit of 100 percent of an  
5780 eligible contribution against any tax due for a taxable year  
5781 under this chapter. However, such a credit may not exceed 75  
5782 percent of the tax due under this chapter for the taxable year,  
5783 after the application of any other allowable credits by the  
5784 taxpayer. ~~However, at least 5 percent of the total statewide~~  
5785 ~~amount authorized for the tax credit shall be reserved for~~  
5786 ~~taxpayers who meet the definition of a small business provided~~  
5787 ~~in s. 288.703(1) at the time of application.~~ The credit granted  
5788 by this section shall be reduced by the difference between the  
5789 amount of federal corporate income tax taking into account the  
5790 credit granted by this section and the amount of federal  
5791 corporate income tax without application of the credit granted  
5792 by this section.

5793            (b) The total amount of tax credits and carryforward of  
5794 tax credits which may be granted ~~each state fiscal year~~ under  
5795 this section is \$88 million. However, at least 1 percent of the  
5796 total statewide amount authorized for the tax credit shall be  
5797 reserved for taxpayers who meet the definition of a small  
5798 business provided in s. 288.703(1) at the time of application.

5799            (c) A taxpayer who files a Florida consolidated return as  
5800 a member of an affiliated group pursuant to s. 220.131(1) may be  
5801 allowed the credit on a consolidated return basis; however, the  
5802 total credit taken by the affiliated group is subject to the  
5803 limitation established under paragraph (a).

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5804 (d) Effective for tax years beginning January 1, 2005, a  
5805 taxpayer may rescind all or part of its allocated tax credit  
5806 under this section. The amount rescinded shall become available  
5807 for purposes of the cap for that state fiscal year under this  
5808 section to an eligible taxpayer as approved by the department if  
5809 the taxpayer receives notice from the department that the  
5810 rescindment has been accepted by the department and the taxpayer  
5811 has not previously rescinded any or all of its tax credit  
5812 allocation under this section more than once in the previous 3  
5813 tax years. Any amount rescinded under this paragraph shall  
5814 become available to an eligible taxpayer on a first-come, first-  
5815 served basis based on tax credit applications received after the  
5816 date the rescindment is accepted by the department.

5817 (6)(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-  
5818 FUNDING ORGANIZATIONS.--An eligible nonprofit scholarship-  
5819 funding organization:

5820 (a) Must comply with the antidiscrimination provisions of  
5821 42 U.S.C. s. 2000d.

5822 (b) Must comply with the following background check  
5823 requirements:

5824 1. An owner, operator, or employee of an eligible  
5825 nonprofit scholarship-funding organization is subject to level 2  
5826 background screening as provided under chapter 435.

5827 2. A nonprofit scholarship-funding organization whose  
5828 owner or operator fails the level 2 background screening shall  
5829 not be eligible to provide scholarships under this section.

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5830       3. A nonprofit scholarship-funding organization's  
5831 continued employment of an employee after notification that the  
5832 employee has failed the level 2 background screening shall cause  
5833 the nonprofit scholarship-funding organization to be ineligible  
5834 for participation in the scholarship program.

5835       4. A nonprofit scholarship-funding organization whose  
5836 owner or operator in the last 7 years has filed for personal  
5837 bankruptcy or corporate bankruptcy in a corporation of which he  
5838 or she owned more than 20 percent shall not be eligible to  
5839 provide scholarships under this section.

5840       (c) Must not have an owner or operator who owns or  
5841 operates an eligible private school that is participating in the  
5842 scholarship program.

5843       (d)(a) Must ~~An eligible nonprofit scholarship-funding~~  
5844 ~~organization shall~~ provide scholarships, from eligible  
5845 contributions, to eligible ~~qualified~~ students for:

5846       1. Tuition or textbook expenses for, or transportation to,  
5847 an eligible private ~~nonpublic~~ school. At least 75 percent of the  
5848 scholarship funding must be used to pay tuition expenses; or

5849       2. Transportation expenses to a Florida public school that  
5850 is located outside the district in which the student resides or  
5851 to a lab school as defined in s. 1002.32.

5852       (e)(b) Must ~~An eligible nonprofit scholarship-funding~~  
5853 ~~organization shall~~ give priority to eligible ~~qualified~~ students  
5854 who received a scholarship from an eligible nonprofit  
5855 scholarship-funding organization during the previous school  
5856 year.

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5857 (f) Must provide a scholarship to an eligible student on a  
5858 first-come, first-served basis unless the student qualifies for  
5859 priority pursuant to paragraph (e).

5860 (g) May not restrict or reserve scholarships for use at a  
5861 particular private school or provide scholarships to a child of  
5862 an owner or operator.

5863 (h) Must allow an eligible student to attend any eligible  
5864 private school and must allow a parent to transfer a scholarship  
5865 during a school year to any other eligible private school of the  
5866 parent's choice.

5867 ~~(c) The amount of a scholarship provided to any child for~~  
5868 ~~any single school year by all eligible nonprofit scholarship-~~  
5869 ~~funding organizations from eligible contributions shall not~~  
5870 ~~exceed the following annual limits:~~

5871 ~~1. Three thousand five hundred dollars for a scholarship~~  
5872 ~~awarded to a student enrolled in an eligible nonpublic school.~~

5873 ~~2. Five hundred dollars for a scholarship awarded to a~~  
5874 ~~student enrolled in a Florida public school that is located~~  
5875 ~~outside the district in which the student resides.~~

5876 ~~(d) The amount of an eligible contribution which may be~~  
5877 ~~accepted by an eligible nonprofit scholarship-funding~~  
5878 ~~organization is limited to the amount needed to provide~~  
5879 ~~scholarships for qualified students which the organization has~~  
5880 ~~identified and for which vacancies in eligible nonpublic schools~~  
5881 ~~have been identified.~~

5882 (i)(e) Must obligate, in the same fiscal year in which the  
5883 contribution was received, An eligible nonprofit scholarship-

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5884 ~~funding organization that receives an eligible contribution must~~  
5885 ~~spend~~ 100 percent of the eligible contribution to provide  
5886 scholarships, provided that up to 25 percent of the total  
5887 contribution may be carried forward for scholarships to be  
5888 granted in the following ~~same~~ state fiscal year ~~in which the~~  
5889 ~~contribution was received~~. No portion of eligible contributions  
5890 may be used for administrative expenses. All interest accrued  
5891 from contributions must be used for scholarships.

5892 (j) Must maintain separate accounts for scholarship funds  
5893 and operating funds.

5894 (k) With the prior approval of the Department of  
5895 Education, may transfer funds to another eligible nonprofit  
5896 scholarship-funding organization if additional funds are  
5897 required to meet scholarship demand at the receiving nonprofit  
5898 scholarship-funding organization. A transfer shall be limited to  
5899 the greater of \$500,000 or 20 percent of the total contributions  
5900 received by the nonprofit scholarship-funding organization  
5901 making the transfer. All transferred funds must be deposited by  
5902 the receiving nonprofit scholarship-funding organization into  
5903 its scholarship accounts. All transferred amounts received by  
5904 any nonprofit scholarship-funding organization must be  
5905 separately disclosed in the annual financial and compliance  
5906 audit required in this section.

5907 ~~(l)(f) Must~~ An eligible nonprofit scholarship-funding  
5908 ~~organization that receives eligible contributions must provide~~  
5909 ~~to the Auditor General and the Department of Education an annual~~  
5910 ~~financial and compliance audit of its accounts and records~~

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2

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5911 conducted by an independent certified public accountant and in  
5912 accordance with rules adopted by the Auditor General. The audit  
5913 must be conducted in compliance with generally accepted auditing  
5914 standards and must include a report on financial statements  
5915 presented in accordance with generally accepted accounting  
5916 principles set forth by the American Institute of Certified  
5917 Public Accountants for not-for-profit organizations and a  
5918 determination of compliance with the statutory eligibility and  
5919 expenditure requirements set forth in this section. Audits must  
5920 be provided to the Auditor General and the Department of  
5921 Education within 180 days after completion of the eligible  
5922 nonprofit scholarship-funding organization's fiscal year.

5923 (m) Must prepare and submit quarterly reports to the  
5924 Department of Education pursuant to paragraph (9)(m). In  
5925 addition, an eligible nonprofit scholarship-funding organization  
5926 must submit in a timely manner any information requested by the  
5927 Department of Education relating to the scholarship program.

5928  
5929 Any and all information and documentation provided to the  
5930 Department of Education and the Auditor General relating to the  
5931 identity of a taxpayer that provides an eligible contribution  
5932 under this section shall remain confidential at all times in  
5933 accordance with s. 213.053.

5934 ~~(g) Payment of the scholarship by the eligible nonprofit~~  
5935 ~~scholarship-funding organization shall be by individual warrant~~  
5936 ~~or check made payable to the student's parent. If the parent~~  
5937 ~~chooses for his or her child to attend an eligible nonpublic~~

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5938 ~~school, the warrant or check must be mailed by the eligible~~  
5939 ~~nonprofit scholarship funding organization to the nonpublic~~  
5940 ~~school of the parent's choice, and the parent shall~~  
5941 ~~restrictively endorse the warrant or check to the nonpublic~~  
5942 ~~school. An eligible nonprofit scholarship funding organization~~  
5943 ~~shall ensure that, upon receipt of a scholarship warrant or~~  
5944 ~~check, the parent to whom the warrant or check is made~~  
5945 ~~restrictively endorses the warrant or check to the nonpublic~~  
5946 ~~school of the parent's choice for deposit into the account of~~  
5947 ~~the nonpublic school.~~

5948 (7)(5) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
5949 PARTICIPATION OBLIGATIONS.--As a condition for scholarship  
5950 payment pursuant to paragraph (4)(g), if the parent chooses for  
5951 his or her child to attend an eligible nonpublic school, the  
5952 parent must inform the child's school district within 15 days  
5953 after such decision.

5954 (a) The parent must select an eligible private school and  
5955 apply for the admission of his or her child.

5956 (b) The parent must inform the child's school district  
5957 when the parent withdraws his or her child to attend an eligible  
5958 private school.

5959 (c) Any student participating in the scholarship program  
5960 must remain in attendance throughout the school year, unless  
5961 excused by the school for illness or other good cause.

5962 (d) Each parent and each student has an obligation to the  
5963 private school to comply with the private school's published  
5964 policies.

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5965 (e) The parent shall ensure that the student participating  
5966 in the scholarship program takes the norm-referenced assessment  
5967 offered by the private school. The parent may also choose to  
5968 have the student participate in the statewide assessments  
5969 pursuant to s. 1008.22. If the parent requests that the student  
5970 participating in the scholarship program take statewide  
5971 assessments pursuant to s. 1008.22, the parent is responsible  
5972 for transporting the student to the assessment site designated  
5973 by the school district.

5974 (f) Upon receipt of a scholarship warrant or check from  
5975 the eligible nonprofit scholarship-funding organization, the  
5976 parent to whom the warrant or check is made must restrictively  
5977 endorse the warrant or check to the private school for deposit  
5978 into the account of the private school. The parent may not  
5979 designate any entity or individual associated with the  
5980 participating private school as the parent's attorney in fact to  
5981 sign a scholarship warrant or check. A participant who fails to  
5982 comply with this paragraph forfeits the scholarship.

5983 (8)(6) PRIVATE ELIGIBLE NONPUBLIC SCHOOL ELIGIBILITY AND  
5984 OBLIGATIONS.--An eligible private nonpublic school may be  
5985 sectarian or nonsectarian and must:

5986 (a) Comply with all requirements for private schools  
5987 participating in state school choice scholarship programs  
5988 pursuant to s. 1002.421.

5989 (b) Provide to the eligible nonprofit scholarship-funding  
5990 organization, upon request, all documentation required for the

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5991 student's participation, including the private school's and  
5992 student's fee schedules.

5993 (c) Be academically accountable to the parent for meeting  
5994 the educational needs of the student by:

5995 1. At a minimum, annually providing to the parent a  
5996 written explanation of the student's progress.

5997 2. Annually administering or making provision for students  
5998 participating in the scholarship program to take one of the  
5999 nationally norm-referenced tests identified by the Department of  
6000 Education. Students with disabilities for whom standardized  
6001 testing is not appropriate are exempt from this requirement. A  
6002 participating private school must report a student's scores to  
6003 the parent and to the independent research organization as  
6004 described in paragraph (9)(j) selected by the Department of  
6005 Education.

6006 3. Cooperating with the scholarship student whose parent  
6007 chooses to participate in the statewide assessments pursuant to  
6008 s. 1008.32.

6009  
6010 The inability of a private school to meet the requirements of  
6011 this subsection shall constitute a basis for the ineligibility  
6012 of the private school to participate in the scholarship program  
6013 as determined by the Department of Education.

6014 ~~(a) Demonstrate fiscal soundness by being in operation for~~  
6015 ~~one school year or provide the Department of Education with a~~  
6016 ~~statement by a certified public accountant confirming that the~~  
6017 ~~nonpublic school desiring to participate is insured and the~~

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6018 ~~owner or owners have sufficient capital or credit to operate the~~  
6019 ~~school for the upcoming year serving the number of students~~  
6020 ~~anticipated with expected revenues from tuition and other~~  
6021 ~~sources that may be reasonably expected. In lieu of such a~~  
6022 ~~statement, a surety bond or letter of credit for the amount~~  
6023 ~~equal to the scholarship funds for any quarter may be filed with~~  
6024 ~~the department.~~

6025 ~~(b) Comply with the antidiscrimination provisions of 42~~  
6026 ~~U.S.C. s. 2000d.~~

6027 ~~(c) Meet state and local health and safety laws and codes.~~

6028 ~~(d) Comply with all state laws relating to general~~  
6029 ~~regulation of nonpublic schools.~~

6030 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department  
6031 of Education shall:

6032 (a) Annually submit to the department, by March 15, a list  
6033 of eligible nonprofit scholarship-funding organizations that  
6034 meet the requirements of paragraph (2)(c).

6035 (b) Annually verify the eligibility of nonprofit  
6036 scholarship-funding organizations that meet the requirements of  
6037 paragraph (2)(c).

6038 (c) Annually verify the eligibility of private schools  
6039 that meet the requirements of subsection (8).

6040 (d) Annually verify the eligibility of expenditures as  
6041 provided in paragraph (6)(d) using the audit required by  
6042 paragraph (6)(1).

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6043 (e) Establish a toll-free hotline that provides parents  
6044 and private schools with information on participation in the  
6045 scholarship program.

6046 (f) Establish a process by which individuals may notify  
6047 the Department of Education of any violation by a parent,  
6048 private school, or school district of state laws relating to  
6049 program participation. The Department of Education shall conduct  
6050 an investigation of any written complaint of a violation of this  
6051 section, or make a referral to the appropriate agency for an  
6052 investigation, if the complaint is signed by the complainant and  
6053 is legally sufficient. A complaint is legally sufficient if it  
6054 contains ultimate facts that show that a violation of this  
6055 section or any rule adopted by the State Board of Education has  
6056 occurred. In order to determine legal sufficiency, the  
6057 Department of Education may require supporting information or  
6058 documentation from the complainant.

6059 (g) Require an annual, notarized, sworn compliance  
6060 statement by participating private schools certifying compliance  
6061 with state laws and shall retain such records.

6062 (h) Cross-check the list of participating scholarship  
6063 students with the public school enrollment lists to avoid  
6064 duplication.

6065 (i) Identify and select the nationally norm-referenced  
6066 tests that are comparable to the norm-referenced provisions of  
6067 the Florida Comprehensive Assessment Test. The State Board of  
6068 Education may not identify more than four norm-referenced tests  
6069 for use in meeting the requirements of this section. However,

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6070 the Department of Education may approve the use of an additional  
6071 assessment by the school if the school can demonstrate that the  
6072 assessment meets industry standards of quality and  
6073 comparability. The State Board of Education may select the  
6074 Florida Comprehensive Assessment Test as one of the four tests  
6075 for use in meeting such requirements.

6076 (j) Select an independent research organization, which may  
6077 be a public or private entity or university, to which  
6078 participating private schools must report the scores of  
6079 participating students on the nationally norm-referenced tests  
6080 administered by the private school. The independent research  
6081 organization must annually report to the Department of Education  
6082 on the year-to-year improvements of participating students. The  
6083 independent research organization must analyze and report  
6084 student performance data in a manner that protects the rights of  
6085 students and parents as mandated in 20 U.S.C. s. 1232g, the  
6086 Family Educational Rights and Privacy Act, and must not  
6087 disaggregate data to a level that will disclose the academic  
6088 level of individual students or of individual schools. To the  
6089 extent possible, the independent research organization must  
6090 accumulate historical performance data on students from the  
6091 Department of Education and private schools to describe baseline  
6092 performance and to conduct longitudinal studies. To minimize  
6093 costs and reduce time required for third-party analysis and  
6094 evaluation, the Department of Education shall conduct analyses  
6095 of matched students from public school assessment data and  
6096 calculate control group learning gains using an agreed-upon

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6097 methodology outlined in the contract with the third-party  
6098 evaluator. The sharing of student data must be in accordance  
6099 with requirements of 20 U.S.C. 1232g, the Family Educational  
6100 Rights and Privacy Act, and shall be for the sole purpose of  
6101 conducting the evaluation. All parties must preserve the  
6102 confidentiality of such information as required by law.

6103 (k) Notify an eligible nonprofit scholarship-funding  
6104 organization of any of the organization's identified students  
6105 who are receiving an educational scholarship pursuant to chapter  
6106 1002.

6107 (l) Notify an eligible nonprofit scholarship-funding  
6108 organization of any of the organization's identified students  
6109 who are receiving a corporate income tax credit scholarship from  
6110 another eligible nonprofit scholarship-funding organization.

6111 (m) Require quarterly reports by an eligible nonprofit  
6112 scholarship-funding organization regarding the number of  
6113 students participating in the scholarship program, the private  
6114 schools at which the students are enrolled, and other  
6115 information deemed necessary by the Department of Education.

6116 (10) COMMISSIONER OF EDUCATION AUTHORITY AND  
6117 OBLIGATIONS.--

6118 (a) The Commissioner of Education shall deny, suspend, or  
6119 revoke a private school's participation in the scholarship  
6120 program if it is determined that the private school has failed  
6121 to comply with the provisions of this section. However, in  
6122 instances in which the noncompliance is correctable within a  
6123 reasonable amount of time and in which the health, safety, and

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6124 welfare of the students are not threatened, the commissioner may  
6125 issue a notice of noncompliance which shall provide the private  
6126 school with a timeframe within which to provide evidence of  
6127 compliance prior to taking action to suspend or revoke the  
6128 private school's participation in the scholarship program.

6129 (b) The commissioner's determination is subject to the  
6130 following:

6131 1. If the commissioner intends to deny, suspend, or revoke  
6132 a private school's participation in the scholarship program, the  
6133 Department of Education shall notify the private school of such  
6134 proposed action in writing by certified mail and regular mail to  
6135 the private school's address of record with the Department of  
6136 Education. The notification shall include the reasons for the  
6137 proposed action and notice of the timelines and procedures set  
6138 forth in this paragraph.

6139 2. The private school that is adversely affected by the  
6140 proposed action shall have 15 days from receipt of the notice of  
6141 proposed action to file with the Department of Education's  
6142 agency clerk a request for a proceeding pursuant to ss. 120.569  
6143 and 120.57. If the private school is entitled to a hearing under  
6144 s. 120.57(1), the Department of Education shall forward the  
6145 request to the Division of Administrative Hearings.

6146 3. Upon receipt of a request referred pursuant to this  
6147 paragraph, the director of the Division of Administrative  
6148 Hearings shall expedite the hearing and assign an administrative  
6149 law judge who shall commence a hearing within 30 days after the  
6150 receipt of the formal written request by the division and enter

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6151 a recommended order within 30 days after the hearing or within  
6152 30 days after receipt of the hearing transcript, whichever is  
6153 later. Each party shall be allowed 10 days in which to submit  
6154 written exceptions to the recommended order. A final order shall  
6155 be entered by the agency within 30 days after the entry of a  
6156 recommended order. The provisions of this subparagraph may be  
6157 waived upon stipulation by all parties.

6158 (c) The commissioner may immediately suspend payment of  
6159 scholarship funds if it is determined that there is probable  
6160 cause to believe that there is:

6161 1. An imminent threat to the health, safety, and welfare  
6162 of the students; or

6163 2. Fraudulent activity on the part of the private school.

6164  
6165 The commissioner's order suspending payment pursuant to this  
6166 paragraph may be appealed pursuant to the same procedures and  
6167 timelines as the notice of proposed action set forth in  
6168 paragraph (b).

6169 (11) SCHOLARSHIP AMOUNT AND PAYMENT.--

6170 (a) The amount of a scholarship provided to any student  
6171 for any single school year by an eligible nonprofit scholarship-  
6172 funding organization from eligible contributions shall not  
6173 exceed the following annual limits:

6174 1. Three thousand seven hundred fifty dollars for a  
6175 scholarship awarded to a student enrolled in an eligible private  
6176 school.

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6177 2. Five hundred dollars for a scholarship awarded to a  
6178 student enrolled in a Florida public school that is located  
6179 outside the district in which the student resides or in a lab  
6180 school as defined in s. 1002.32.

6181 (b) Payment of the scholarship by the eligible nonprofit  
6182 scholarship-funding organization shall be by individual warrant  
6183 or check made payable to the student's parent. If the parent  
6184 chooses for his or her child to attend an eligible private  
6185 school, the warrant or check must be delivered by the eligible  
6186 nonprofit scholarship-funding organization to the private school  
6187 of the parent's choice, and the parent shall restrictively  
6188 endorse the warrant or check to the private school. An eligible  
6189 nonprofit scholarship-funding organization shall ensure that the  
6190 parent to whom the warrant or check is made restrictively  
6191 endorsed the warrant or check to the private school for deposit  
6192 into the account of the private school.

6193 (c) An eligible nonprofit scholarship-funding organization  
6194 shall obtain verification from the private school of a student's  
6195 continued attendance at the school prior to each scholarship  
6196 payment.

6197 (d) Payment of the scholarship shall be made by the  
6198 eligible nonprofit scholarship-funding organization no less  
6199 frequently than on a quarterly basis.

6200 (12)(7) ADMINISTRATION; RULES.--

6201 (a) If the credit granted pursuant to this section is not  
6202 fully used in any one year because of insufficient tax liability  
6203 on the part of the corporation, the unused amount may be carried

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6204 forward for a period not to exceed 3 years; however, any  
6205 taxpayer that seeks to carry forward an unused amount of tax  
6206 credit must submit an application for allocation of tax credits  
6207 or carryforward credits as required in paragraph (d) in the year  
6208 that the taxpayer intends to use the carryforward. ~~The total~~  
6209 ~~amount of tax credits and carryforward of tax credits granted~~  
6210 ~~each state fiscal year under this section is \$88 million.~~ This  
6211 carryforward applies to all approved contributions made after  
6212 January 1, 2002. A taxpayer may not convey, assign, or transfer  
6213 the credit authorized by this section to another entity unless  
6214 all of the assets of the taxpayer are conveyed, assigned, or  
6215 transferred in the same transaction.

6216 (b) An application for a tax credit pursuant to this  
6217 section shall be submitted to the department on forms  
6218 established by rule of the department.

6219 (c) The department and the Department of Education shall  
6220 develop a cooperative agreement to assist in the administration  
6221 of this section. ~~The Department of Education shall be~~  
6222 ~~responsible for annually submitting, by March 15, to the~~  
6223 ~~department a list of eligible nonprofit scholarship funding~~  
6224 ~~organizations that meet the requirements of paragraph (2)(d) and~~  
6225 ~~for monitoring eligibility of nonprofit scholarship funding~~  
6226 ~~organizations that meet the requirements of paragraph (2)(d),~~  
6227 ~~eligibility of nonpublic schools that meet the requirements of~~  
6228 ~~paragraph (2)(e), and eligibility of expenditures under this~~  
6229 ~~section as provided in subsection (4).~~

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6230 (d) The department shall adopt rules necessary to  
6231 administer this section, including rules establishing  
6232 application forms and procedures and governing the allocation of  
6233 tax credits and carryforward credits under this section on a  
6234 first-come, first-served basis.

6235 (e) The State Board ~~Department~~ of Education shall adopt  
6236 rules pursuant to ss. 120.536(1) and 120.54 ~~necessary~~ to  
6237 administer this section ~~determine eligibility of nonprofit~~  
6238 ~~scholarship-funding organizations as defined in paragraph (2)(d)~~  
6239 ~~and according to the provisions of subsection (4) and identify~~  
6240 ~~qualified students as defined in paragraph (2)(e).~~

6241 ~~(13)(8)~~ DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible  
6242 contributions received by an eligible nonprofit scholarship-  
6243 funding organization shall be deposited in a manner consistent  
6244 with s. 17.57(2).

6245 Section 101. Section 1002.421, Florida Statutes, is  
6246 created to read:

6247 1002.421 Rights and obligations of private schools  
6248 participating in state school choice scholarship  
6249 programs.--Requirements of this section are in addition to  
6250 private school requirements outlined in s. 1002.42, specific  
6251 requirements identified within respective scholarship program  
6252 laws, and other provisions of Florida law that apply to private  
6253 schools.

6254 (1) A Florida private school participating in the  
6255 Corporate Income Tax Credit Scholarship Program established  
6256 pursuant to s. 220.187 or an educational scholarship program

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6257 established pursuant to this chapter must comply with all  
6258 requirements of this section.

6259 (2) A private school participating in a scholarship  
6260 program must be a Florida private school as defined in s.  
6261 1002.01(2) and must:

6262 (a) Be a registered Florida private school in accordance  
6263 with s. 1002.42.

6264 (b) Comply with antidiscrimination provisions of 42 U.S.C.  
6265 s. 2000d.

6266 (c) Notify the department of its intent to participate in  
6267 a scholarship program.

6268 (d) Notify the department of any change in the school's  
6269 name, school director, mailing address, or physical location  
6270 within 15 days after the change.

6271 (e) Complete student enrollment and attendance  
6272 verification requirements, including use of an on-line  
6273 attendance verification form, prior to scholarship payment.

6274 (f) Annually complete and submit to the department a  
6275 notarized scholarship compliance statement certifying the level  
6276 of background screening, level 1 or level 2, that the school  
6277 requires of its employees and certifying compliance with state  
6278 laws relating to private school participation in the scholarship  
6279 program.

6280 (g) Provide notification to the parents of scholarship  
6281 participants and applicants as to whether the school conducts a  
6282 level 1 or level 2 background screening on employees who have  
6283 unsupervised direct contact with students.

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6284 (h) Demonstrate fiscal soundness and accountability by:  
6285 1. Being in operation for at least 3 school years or  
6286 obtaining a surety bond or letter of credit for the amount equal  
6287 to the scholarship funds for any quarter and filing the surety  
6288 bond or letter of credit with the department.

6289 2. Requiring the parent of each scholarship student to  
6290 personally restrictively endorse the scholarship warrant to the  
6291 school. The school may not act as attorney in fact for the  
6292 parent of a scholarship student under the authority of a power  
6293 of attorney executed by such parent, or under any other  
6294 authority, to endorse scholarship warrants on behalf of such  
6295 parent.

6296 (i) Meet applicable state and local health, safety, and  
6297 welfare laws, codes, and rules, including:

- 6298 1. Fire safety.  
6299 2. Building safety.

6300 (j) Employ or contract with teachers who hold  
6301 baccalaureate or higher degrees, have at least 3 years of  
6302 teaching experience in public or private schools, or have  
6303 special skills, knowledge, or expertise that qualifies them to  
6304 provide instruction in subjects taught.

6305 (k) Require each individual with direct student contact  
6306 with a scholarship student to be of good moral character, to be  
6307 subject to the level 1 background screening as provided under  
6308 chapter 435, to be denied employment or terminated if required  
6309 under s. 435.06, and not to be ineligible to teach in a public

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6310 school because his or her educator certificate is suspended or  
6311 revoked. For purposes of this paragraph:

6312 1. An "individual with direct student contact" means any  
6313 individual who has unsupervised access to a scholarship student  
6314 for whom the private school is responsible.

6315 2. The costs of fingerprinting and the background check  
6316 shall not be borne by the state.

6317 3. Continued employment of an individual after  
6318 notification that the individual has failed the level 1  
6319 background screening shall cause a private school to be  
6320 ineligible for participation in a scholarship program.

6321 4. An individual holding a valid Florida teaching  
6322 certificate who has been fingerprinted pursuant to s. 1012.32  
6323 shall not be required to comply with the provisions of this  
6324 paragraph.

6325 (3) The inability of a private school to meet the  
6326 requirements of this section shall constitute a basis for the  
6327 ineligibility of the private school to participate in a  
6328 scholarship program as determined by the department.

6329 (4) The inclusion of eligible private schools within  
6330 options available to Florida public school students does not  
6331 expand the regulatory authority of the state, its officers, or  
6332 any school district to impose any additional regulation of  
6333 private schools beyond those reasonably necessary to enforce  
6334 requirements expressly set forth in this section.

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6335       (5) The State Board of Education shall adopt rules  
6336 pursuant to ss. 120.536(1) and 120.54 to administer this  
6337 section.

6338       Section 102. The Department of Education shall evaluate  
6339 the extent to which the Sunshine State Standards in the arts are  
6340 being taught in each school district in kindergarten through  
6341 grade 12. The evaluation shall include an analysis of student  
6342 FCAT achievement levels compared to Sunshine State Standards  
6343 arts instruction and enrollment in art courses. The results of  
6344 this evaluation shall be provided to the Governor, the Speaker  
6345 of the House of Representatives, and the President of the Senate  
6346 by December 1, 2005.

6347       Section 103. Subsections (4), (5), and (6) are added to  
6348 section 1003.455, Florida Statutes, to read:

6349       1003.455 Physical education; assessment.--

6350       (4) By September 1, 2006, each school district shall  
6351 submit to the Department of Education a copy of the wellness  
6352 policy required by the Child Nutrition and WIC Reauthorization  
6353 Act of 2004. The department shall post the policies on the  
6354 department website so that they may be reviewed and shared.

6355       (5) By January 1, 2006, each school district is encouraged  
6356 to review the level of participation and evaluate the success of  
6357 the wellness programs throughout the district in each school  
6358 setting.

6359       (6) School districts are encouraged to regularly solicit  
6360 public input regarding their policies on school nutritional  
6361 offerings and wellness plans so that the policies meet the

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6362 intent and spirit of the law, applicable rules, and Sunshine  
6363 State Standards and reflect the local community's expectations  
6364 and needs.

6365 Section 104. Each public high school that has athletic  
6366 facilities or participates in interscholastic sports shall have  
6367 an operational defibrillator on the high school grounds. Public  
6368 and private partnerships are encouraged to cover the cost  
6369 associated with purchase, placement, and training on the use of  
6370 the defibrillator.

6371 Section 105. Staff Development.--School boards are  
6372 encouraged to review the research and best practices regarding  
6373 how planned physical movement can foster enhanced learning in  
6374 academic subjects. Staff development for physical education  
6375 instructors and arts instructors must include content related to  
6376 an integrated curriculum, particularly in the areas of reading,  
6377 mathematics, arts, fitness-based instruction, and the connection  
6378 between movement and learning.

6379 Section 106. Paragraph (a) of subsection (5) of section  
6380 411.01, Florida Statutes, as amended by chapter 2004-484, Laws  
6381 of Florida, is amended to read:

6382 411.01 School readiness programs; early learning  
6383 coalitions.--

6384 (5) CREATION OF EARLY LEARNING COALITIONS.--

6385 (a) Early learning coalitions.--

6386 1. The Agency for Workforce Innovation shall establish the  
6387 minimum number of children to be served by each early learning  
6388 coalition through the coalition's school readiness program. The

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6389 Agency for Workforce Innovation may only approve school  
6390 readiness plans in accordance with this minimum number. The  
6391 minimum number must be uniform for every early learning  
6392 coalition and must:

- 6393       a. Permit 30 or fewer coalitions to be established; and  
6394       b. Require each coalition to serve at least 2,000 children  
6395 based upon the average number of all children served per month  
6396 through the coalition's school readiness program during the  
6397 previous 12 months.

6398  
6399 The Agency for Workforce Innovation shall adopt procedures for  
6400 merging early learning coalitions, including procedures for the  
6401 consolidation of merging coalitions, and for the early  
6402 termination of the terms of coalition members which are  
6403 necessary to accomplish the mergers. Each early learning  
6404 coalition must comply with the merger procedures and shall be  
6405 organized in accordance with this subparagraph by April 1, 2005.  
6406 By June 30, 2005, each coalition must complete the transfer of  
6407 powers, duties, functions, rules, records, personnel, property,  
6408 and unexpended balances of appropriations, allocations, and  
6409 other funds to the successor coalition, if applicable.

6410 Notwithstanding the provisions of this subsection , the early  
6411 learning coalition that includes Jefferson, Liberty, Madison,  
6412 Wakulla, and Taylor counties currently in operation is  
6413 established and authorized to continue operation as an  
6414 independent coalition and shall not be counted toward the limit  
6415 of 30 coalitions pursuant to this subsection.

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6416           2. If an early learning coalition would serve fewer  
6417 children than the minimum number established under subparagraph  
6418 1., the coalition must merge with another county to form a  
6419 multicounty coalition. However, the Agency for Workforce  
6420 Innovation may authorize an early learning coalition to serve  
6421 fewer children than the minimum number established under  
6422 subparagraph 1., if:

6423           a. The coalition demonstrates to the Agency for Workforce  
6424 Innovation that merging with another county or multicounty  
6425 region contiguous to the coalition would cause an extreme  
6426 hardship on the coalition;

6427           b. The Agency for Workforce Innovation has determined  
6428 during the most recent annual review of the coalition's school  
6429 readiness plan, or through monitoring and performance  
6430 evaluations conducted under paragraph (4)(1), that the coalition  
6431 has substantially implemented its plan and substantially met the  
6432 performance standards and outcome measures adopted by the  
6433 agency; and

6434           c. The coalition demonstrates to the Agency for Workforce  
6435 Innovation the coalition's ability to effectively and  
6436 efficiently implement the Voluntary Prekindergarten Education  
6437 Program.

6438  
6439 If an early learning coalition fails or refuses to merge as  
6440 required by this subparagraph, the Agency for Workforce  
6441 Innovation may dissolve the coalition and temporarily contract  
6442 with a qualified entity to continue school readiness and

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6443 | prekindergarten services in the coalition's county or  
6444 | multicounty region until the coalition is reestablished through  
6445 | resubmission of a school readiness plan and approval by the  
6446 | agency.

6447 |         3. Each early learning coalition shall be composed of at  
6448 | least 18 members but not more than 35 members. The Agency for  
6449 | Workforce Innovation shall adopt standards establishing within  
6450 | this range the minimum and maximum number of members that may be  
6451 | appointed to an early learning coalition. These standards must  
6452 | include variations for a coalition serving a multicounty region.  
6453 | Each early learning coalition must comply with these standards.

6454 |         4. The Governor shall appoint the chair and two other  
6455 | members of each early learning coalition, who must each meet the  
6456 | same qualifications as private-sector business members appointed  
6457 | by the coalition under subparagraph 6.

6458 |         5. Each early learning coalition must include the  
6459 | following members:

6460 |             a. A Department of Children and Family Services district  
6461 | administrator or his or her designee who is authorized to make  
6462 | decisions on behalf of the department.

6463 |             b. A district superintendent of schools or his or her  
6464 | designee who is authorized to make decisions on behalf of the  
6465 | district, who shall be a nonvoting member.

6466 |             c. A regional workforce board executive director or his or  
6467 | her designee.

6468 |             d. A county health department director or his or her  
6469 | designee.

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6470 e. A children's services council or juvenile welfare board  
6471 chair or executive director, if applicable, who shall be a  
6472 nonvoting member if the council or board is the fiscal agent of  
6473 the coalition or if the council or board contracts with and  
6474 receives funds from the coalition.

6475 f. An agency head of a local licensing agency as defined  
6476 in s. 402.302, where applicable.

6477 g. A president of a community college or his or her  
6478 designee.

6479 h. One member appointed by a board of county  
6480 commissioners.

6481 i. A central agency administrator, where applicable, who  
6482 shall be a nonvoting member.

6483 j. A Head Start director, who shall be a nonvoting member.

6484 k. A representative of private child care providers,  
6485 including family day care homes, who shall be a nonvoting  
6486 member.

6487 l. A representative of faith-based child care providers,  
6488 who shall be a nonvoting member.

6489 m. A representative of programs for children with  
6490 disabilities under the federal Individuals with Disabilities  
6491 Education Act, who shall be a nonvoting member.

6492 6. Including the members appointed by the Governor under  
6493 subparagraph 4., more than one-third of the members of each  
6494 early learning coalition must be private-sector business members  
6495 who do not have, and none of whose relatives as defined in s.  
6496 112.3143 has, a substantial financial interest in the design or

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6497 delivery of the Voluntary Prekindergarten Education Program  
6498 created under part V of chapter 1002 or the coalition's school  
6499 readiness program. To meet this requirement an early learning  
6500 coalition must appoint additional members from a list of  
6501 nominees submitted to the coalition by a chamber of commerce or  
6502 economic development council within the geographic region served  
6503 by the coalition. The Agency for Workforce Innovation shall  
6504 establish criteria for appointing private-sector business  
6505 members. These criteria must include standards for determining  
6506 whether a member or relative has a substantial financial  
6507 interest in the design or delivery of the Voluntary  
6508 Prekindergarten Education Program or the coalition's school  
6509 readiness program.

6510         7. A majority of the voting membership of an early  
6511 learning coalition constitutes a quorum required to conduct the  
6512 business of the coalition.

6513         8. A voting member of an early learning coalition may not  
6514 appoint a designee to act in his or her place, except as  
6515 otherwise provided in this paragraph. A voting member may send a  
6516 representative to coalition meetings, but that representative  
6517 does not have voting privileges. When a district administrator  
6518 for the Department of Children and Family Services appoints a  
6519 designee to an early learning coalition, the designee is the  
6520 voting member of the coalition, and any individual attending in  
6521 the designee's place, including the district administrator, does  
6522 not have voting privileges.

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6523 9. Each member of an early learning coalition is subject  
6524 to ss. 112.313, 112.3135, and 112.3143. For purposes of s.  
6525 112.3143(3)(a), each voting member is a local public officer who  
6526 must abstain from voting when a voting conflict exists.

6527 10. For purposes of tort liability, each member or  
6528 employee of an early learning coalition shall be governed by s.  
6529 768.28.

6530 11. An early learning coalition serving a multicounty  
6531 region must include representation from each county.

6532 12. Each early learning coalition shall establish terms  
6533 for all appointed members of the coalition. The terms must be  
6534 staggered and must be a uniform length that does not exceed 4  
6535 years per term. Appointed members may serve a maximum of two  
6536 consecutive terms. When a vacancy occurs in an appointed  
6537 position, the coalition must advertise the vacancy.

6538 Section 107. Paragraphs (e) and (f) are added to  
6539 subsection (2) of section 1006.20, Florida Statutes, to read:

6540 1006.20 Athletics in public K-12 schools.--

6541 (2) ADOPTION OF BYLAWS.--

6542 (e) The organization shall adopt bylaws in consultation  
6543 with the Florida School Boards Association and the Florida  
6544 Association of District School Superintendents specifying that,  
6545 in order to qualify for membership in the organization, a school  
6546 must abide by district school board procedure or private school  
6547 procedure that requires:

6548 1. Instruction in physical education or health classes on  
6549 the dangers of steroid use.

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6550        2. Instruction by head coaches to the members of their  
6551 teams on the dangers of steroid use.

6552        3. Inclusion of a prohibition against steroid use in the  
6553 student code of conduct.

6554        4. Inclusion of steroid effects in drug suspicion  
6555 criteria.

6556        (f) The organization shall adopt bylaws requiring  
6557 adherence to the Florida Coaches Code of Ethics, including  
6558 penalties for noncompliance. The Florida Coaches Code of Ethics  
6559 shall be developed by October 1, 2005.

6560        Section 108. Not later than October 1, 2005, the Florida  
6561 High School Athletic Association shall make recommendations to  
6562 the Speaker of the House of Representatives and the President of  
6563 the Senate for a pilot drug testing program to test for  
6564 performance-enhancing drugs. The pilot program must involve  
6565 statewide testing of a random sample of the student athletes in  
6566 a selected sport.

6567        Section 109. Paragraph (b) of subsection (2) of section  
6568 287.055, Florida Statutes, is amended, and paragraph (e) is  
6569 added to subsection (4) of said section, to read:

6570        287.055 Acquisition of professional architectural,  
6571 engineering, landscape architectural, or surveying and mapping  
6572 services; definitions; procedures; contingent fees prohibited;  
6573 penalties.--

6574        (2) DEFINITIONS.--For purposes of this section:

6575        (b) "Agency" means the state, a state agency, a  
6576 municipality, a political subdivision, a school district, ~~or~~ a

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6577 school board, or a regional consortium service organization  
6578 formed under s. 1001.451. The term "agency" does not extend to a  
6579 nongovernmental developer that contributes public facilities to  
6580 a political subdivision under s. 380.06 or ss. 163.3220-  
6581 163.3243.

6582 (4) COMPETITIVE SELECTION.--

6583 (e) A member of a regional consortium service  
6584 organization, formed under s. 1001.451, may make purchases under  
6585 contracts procured pursuant to this section.

6586 Section 110. Section 1001.453, Florida Statutes, is  
6587 amended to read:

6588 1001.453 Direct-support organization; use of property;  
6589 board of directors; audit.--

6590 (1) DEFINITIONS.--For the purposes of this section, the  
6591 term:

6592 (a) "~~District school board~~ Direct-support organization"  
6593 means a district school board direct-support organization or a  
6594 regional consortium service organization direct-support an  
6595 organization that:

6596 1. Is approved by the district school board or regional  
6597 consortium service organization board of directors;

6598 2. Is a Florida corporation not for profit, incorporated  
6599 under the provisions of chapter 617 and approved by the  
6600 Department of State; and

6601 3. Is organized and operated exclusively to receive, hold,  
6602 invest, and administer property and to make expenditures to or  
6603 for the benefit of public kindergarten through 12th grade

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6604 education and adult career and community education programs in  
6605 this state.

6606 (b) "Personal services" includes full-time or part-time  
6607 personnel, as well as payroll processing.

6608 (c) "Regional consortium service organization" means an  
6609 organization formed under s. 1001.451.

6610 (2) USE OF PROPERTY.--A district school board or regional  
6611 consortium service organization board of directors:

6612 (a) Is authorized to permit the use of property,  
6613 facilities, and personal services of the district or regional  
6614 consortium service organization by a direct-support  
6615 organization, subject to the provisions of this section.

6616 (b) Shall prescribe by rule conditions with which a  
6617 ~~district school board~~ direct-support organization must comply in  
6618 order to use property, facilities, or personal services of the  
6619 district or regional consortium service organization. Adoption  
6620 of such rules shall be coordinated with the Department of  
6621 Education. The rules shall provide for budget and audit review  
6622 and oversight by the district school board or regional  
6623 consortium service organization board of directors and the  
6624 department.

6625 (c) Shall not permit the use of property, facilities, or  
6626 personal services of a direct-support organization if such  
6627 organization does not provide equal employment opportunities to  
6628 all persons, regardless of race, color, religion, sex, age, or  
6629 national origin.

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6630 (3) BOARD OF DIRECTORS.--The board of directors of the  
6631 ~~district school board~~ direct-support organization shall be  
6632 approved by the district school board or the regional consortium  
6633 service organization board of directors.

6634 (4) ANNUAL AUDIT.--Each direct-support organization with  
6635 more than \$100,000 in expenditures or expenses shall provide for  
6636 an annual ~~financial~~ audit of its financial statements in order  
6637 to express an opinion on the fairness with which the financial  
6638 statements are presented in conformance with generally accepted  
6639 accounting principles. The audit is ~~accounts and records,~~ to be  
6640 conducted by an independent certified public accountant in  
6641 accordance with rules adopted by the Auditor General pursuant to  
6642 s. 11.45(8) and the Commissioner of Education. The annual audit  
6643 report shall be submitted to the Auditor General and the  
6644 district school board or regional consortium service  
6645 organization board of directors for review within 9 months after  
6646 the end of the fiscal year or by the date established by year's  
6647 end to the district school board or regional consortium service  
6648 organization board of directors and the Auditor General,  
6649 whichever is earlier. The Commissioner of Education, the Auditor  
6650 General, and the Office of Program Policy Analysis and  
6651 Government Accountability have the authority to require and  
6652 receive from the organization or the district auditor or  
6653 regional consortium service organization auditor any records  
6654 relative to the operation of the organization. The identity of  
6655 donors and all information identifying donors and prospective  
6656 donors are confidential and exempt from the provisions of s.

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6657 119.07(1), and that anonymity shall be maintained in the  
6658 auditor's report. All other records and information shall be  
6659 considered public records for the purposes of chapter 119.

6660 Section 111. Section 1010.09, Florida Statutes, is amended  
6661 to read:

6662 1010.09 Direct-support organizations.--School district,  
6663 regional consortium service organization, community college, and  
6664 university direct-support organizations shall be organized and  
6665 conducted under the provisions of ss. 1001.453, 1004.28, and  
6666 1004.70 and rules of the State Board of Education, as  
6667 applicable.

6668 Section 112. Section 1011.765, Florida Statutes, is  
6669 amended to read:

6670 1011.765 Florida Academic Improvement Trust Fund matching  
6671 grants.--

6672 (1) MATCHING GRANTS.--The Florida Academic Improvement  
6673 Trust Fund shall be utilized to provide matching grants to the  
6674 Florida School for the Deaf and the Blind Endowment Fund, ~~and to~~  
6675 any public school district education foundation, and any  
6676 regional consortium service organization education foundation  
6677 that meets the requirements of this section and is recognized by  
6678 the local school district as a its designated K-12 education  
6679 foundation. For purposes of this section, "regional consortium  
6680 service organization" means an organization formed under s.  
6681 1001.451.

6682 (a) The State Board of Education shall adopt rules for the  
6683 administration, submission, documentation, evaluation, and

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6684 approval of requests for matching funds and for maintaining  
6685 accountability for matching funds.

6686 (b) Donations, state matching funds, or proceeds from  
6687 endowments established pursuant to this section shall be used at  
6688 the discretion of the public school district education  
6689 foundation, the regional consortium service organization  
6690 education foundation, or the Florida School for the Deaf and the  
6691 Blind for academic achievement within the school district,  
6692 school districts, or school, and shall not be expended for the  
6693 construction of facilities or for the support of interscholastic  
6694 athletics. A ~~Ne~~ public school district education foundation, a  
6695 regional consortium service organization education foundation,  
6696 or the Florida School for the Deaf and the Blind shall not  
6697 accept or purchase facilities for which the state will be asked  
6698 for operating funds unless the Legislature has granted prior  
6699 approval for such acquisition.

6700 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to  
6701 the Florida Academic Improvement Trust Fund shall be allocated  
6702 by the Department of Education in the following manner:

6703 (a) For every year in which there is a legislative  
6704 appropriation to the trust fund, an equal amount of the annual  
6705 appropriation, to be determined by dividing the total  
6706 legislative appropriation by the number of local education  
6707 foundations and regional consortium service organization  
6708 education foundations, as well as the Florida School for the  
6709 Deaf and the Blind, must be reserved for each public school  
6710 district education foundation, each regional consortium service

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6711 | organization education foundation, and the Florida School for  
6712 | the Deaf and the Blind Endowment Fund to provide each foundation  
6713 | and the Florida School for the Deaf and the Blind with an  
6714 | opportunity to receive and match appropriated funds. Trust funds  
6715 | that remain unmatched by contribution on April 1 of any year  
6716 | shall be made available for matching by any public school  
6717 | district education foundation, by any regional consortium  
6718 | service organization education foundation, and by the Florida  
6719 | School for the Deaf and the Blind which shall have an  
6720 | opportunity to apply for excess trust funds prior to the award  
6721 | of such funds.

6722 |       (b) Matching grants shall be proportionately allocated  
6723 | from the trust fund on the basis of matching each \$4 of state  
6724 | funds with \$6 of private funds. To be eligible for matching, a  
6725 | minimum of \$4,500 must be raised from private sources.

6726 |       (c) Funds sufficient to provide the match shall be  
6727 | transferred from the state trust fund to the public school  
6728 | education foundation, to the regional consortium service  
6729 | organization education foundation, or to the Florida School for  
6730 | the Deaf and the Blind Endowment Fund upon notification that a  
6731 | proportionate amount has been received and deposited by the  
6732 | foundation or school into its own trust fund.

6733 |       (d) If the total of the amounts to be distributed in any  
6734 | quarter pursuant to this subsection exceeds the amount of funds  
6735 | remaining from specific appropriations made for the  
6736 | implementation of this section, all grants shall be

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6737 proportionately reduced so that the total of matching grants  
6738 distributed does not exceed available appropriations.

6739 (3) GRANT ADMINISTRATION.--

6740 (a) Each public school district education foundation, each  
6741 regional consortium service organization education foundation,  
6742 and the Florida School for the Deaf and the Blind participating  
6743 in the Florida Academic Improvement Trust Fund shall separately  
6744 account for all funds received pursuant to this section, and may  
6745 establish its own academic improvement trust fund as a  
6746 depository for the private contributions, state matching funds,  
6747 and earnings on investments of such funds. State matching funds  
6748 shall be transferred to the public school district education  
6749 foundation, to the regional consortium service organization  
6750 education foundation, or to the Florida School for the Deaf and  
6751 the Blind Endowment Fund upon notification that the foundation  
6752 or school has received and deposited private contributions that  
6753 meet the criteria for matching as provided in this section. The  
6754 public school district education foundations, the regional  
6755 consortium service organization education foundations, and the  
6756 Florida School for the Deaf and the Blind are responsible for  
6757 the maintenance, investment, and administration of their  
6758 academic improvement trust funds.

6759 (b) The public school district education foundations, the  
6760 regional consortium service organization education foundations,  
6761 and the Florida School for the Deaf and the Blind shall be  
6762 responsible for soliciting and receiving contributions to be

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6763 deposited and matched with grants for academic achievement  
6764 within the school district, school districts, or school.

6765 (c) Each public school district education foundation, each  
6766 regional consortium service organization education foundation,  
6767 and the Florida School for the Deaf and the Blind shall be  
6768 responsible for proper expenditure of the funds received  
6769 pursuant to this section.

6770 Section 113. Subsections (6) and (7) are added to section  
6771 401.107, Florida Statutes, to read:

6772 401.107 Definitions.--As used in this part, the term:

6773 (6) "Youth athletic organization" means a private not-for-  
6774 profit organization that promotes and provides organized  
6775 athletic activities to youth.

6776 (7) "Automated external defibrillator device" means a  
6777 device as defined in s. 768.1325(2)(b).

6778 Section 114. Section 401.111, Florida Statutes, is amended  
6779 to read:

6780 401.111 Emergency medical services grant program;  
6781 authority.--The department is hereby authorized to make grants  
6782 to local agencies, and emergency medical services organizations,  
6783 and youth athletic organizations in accordance with any  
6784 agreement entered into pursuant to this part. These grants shall  
6785 be designed to assist local ~~said~~ agencies and emergency medical  
6786 services organizations in providing emergency medical services,  
6787 including emergency medical dispatch, and to assist youth  
6788 athletic organizations that work in conjunction with local  
6789 emergency medical services organizations to expand the use of

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6790 automated external defibrillator devices in the community. The  
6791 cost of administering this program shall be paid by the  
6792 department from funds appropriated to it.

6793 Section 115. Paragraphs (a) and (b) of subsection (2) of  
6794 section 401.113, Florida Statutes, are amended to read:

6795 401.113 Department; powers and duties.--

6796 (2) The department shall annually dispense funds contained  
6797 in the Emergency Medical Services Trust Fund as follows:

6798 (a) Forty-five percent of such moneys must be divided  
6799 among the counties according to the proportion of the combined  
6800 amount deposited in the trust fund from the county. These funds  
6801 may not be used to match grant funds as identified in paragraph  
6802 (b). An individual board of county commissioners may distribute  
6803 these funds to emergency medical service organizations and youth  
6804 athletic organizations within the county, as it deems  
6805 appropriate.

6806 (b) Forty percent of such moneys must be used by the  
6807 department for making matching grants to local agencies,  
6808 municipalities, ~~and~~ emergency medical services organizations,  
6809 and youth athletic organizations for the purpose of conducting  
6810 research, increasing existing levels of emergency medical  
6811 services, evaluation, community education, injury-prevention  
6812 programs, and training in cardiopulmonary resuscitation and  
6813 other lifesaving and first aid techniques.

6814 1. At least 90 percent of these moneys must be made  
6815 available on a cash matching basis. A grant made under this  
6816 subparagraph must be contingent upon the recipient providing a

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6817 cash sum equal to 25 percent of the total department-approved  
6818 grant amount.

6819 2. No more than 10 percent of these moneys must be made  
6820 available to rural emergency medical services, and  
6821 notwithstanding the restrictions specified in subsection (1),  
6822 these moneys may be used for improvement, expansion, or  
6823 continuation of services provided. A grant made under this  
6824 subparagraph must be contingent upon the recipient providing a  
6825 cash sum equal to no more than 10 percent of the total  
6826 department-approved grant amount.

6827  
6828 The department shall develop procedures and standards for grant  
6829 disbursement under this paragraph based on the need for  
6830 emergency medical services, the requirements of the population  
6831 to be served, and the objectives of the state emergency medical  
6832 services plan.

6833 Section 116. The Department of Health shall implement an  
6834 educational campaign to inform any person who acquires an  
6835 automated external defibrillator device that his or her immunity  
6836 from liability under s. 768.1325, Florida Statutes, for harm  
6837 resulting from the use or attempted use of the device, does not  
6838 apply if he or she fails to:

6839 (1) Properly maintain and test the device; or

6840 (2) Provide appropriate training in the use of the device  
6841 to his or her employee or agent when the employee or agent was  
6842 the person who used the device on the victim, except as provided  
6843 in s. 768.1325, Florida Statutes.

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6844       Section 117. Subject to appropriation, the Department of  
6845 Law Enforcement shall purchase a high-speed electronic  
6846 fingerprint scanner and provide sufficient staff support to  
6847 conduct level 2 background fingerprint screening for private  
6848 schools participating in the Opportunity Scholarship Program,  
6849 the John M. McKay Scholarships for Students with Disabilities  
6850 Program, and the Corporate Income Tax Credit Scholarship  
6851 Program. Within 90 days of acquisition of the scanner, level 2  
6852 background fingerprint screening shall be required for all  
6853 employees who have direct contact with students in the private  
6854 schools participating in the scholarship programs. Results of  
6855 the screening shall be provided to the participating private  
6856 schools.

6857       Section 118. If any provision of this act or the  
6858 application thereof to any person or circumstance is held  
6859 invalid, the invalidity shall not affect other provisions or  
6860 applications of the act which can be given effect without the  
6861 invalid provision or application and, to this end, the  
6862 provisions of this act are declared severable.

6863       Section 119. This act shall take effect upon becoming a  
6864 law.

6866 ===== T I T L E   A M E N D M E N T =====

6867       Remove the entire title and insert:  
6868                               A bill to be entitled  
6869       An act relating to education; amending s. 20.15, F.S. ;  
6870       establishing the Division of Accountability, Research, and

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6871 Measurement in the Department of Education; amending s.  
6872 1000.01, F.S.; conforming provisions relating to the  
6873 repeal of the Council for Education Policy Research and  
6874 Improvement; amending s. 1001.03, F.S.; requiring the  
6875 State Board of Education to review the Sunshine State  
6876 Standards and provide a report evaluating the extent to  
6877 which the standards are being taught; amending s. 1001.11,  
6878 F.S.; conforming provisions relating to the repeal of the  
6879 Council for Education Policy Research and Improvement;  
6880 providing duties of the department relating to education  
6881 goals; creating s. 1001.215, F.S.; creating the Just Read,  
6882 Florida! Office in the Department of Education; providing  
6883 duties; amending s. 1001.41, F.S.; requiring district  
6884 school boards to adopt policies to provide each student a  
6885 complete education program; amending s. 1001.42, F.S.;  
6886 providing requirements for each district school board's  
6887 system of school improvement and student progression;  
6888 providing components to increase student achievement;  
6889 conforming provisions relating to deletion of a rigorous  
6890 reading requirement and the designation of school grades;  
6891 amending s. 1002.38, F.S.; conforming provisions relating  
6892 to the designation of school grades and revising the date  
6893 for request of an Opportunity Scholarship; amending s.  
6894 1003.01, F.S.; revising definition of the term "special  
6895 education services"; amending s. 1003.03, F.S.; modifying  
6896 implementation provisions relating to constitutional class  
6897 size requirements; amending s. 1003.05, F.S.; deleting the

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Amendment No. (for drafter's use only)

6898 requirement that certain children receive preference for  
6899 admission to special academic programs even if maximum  
6900 enrollment has been reached; removing charter schools from  
6901 the definition of special academic programs; creating s.  
6902 1003.413, F.S.; requiring each school district to  
6903 establish policies to assist high school students to  
6904 remain in school, graduate on time, and be prepared for  
6905 postsecondary education and the workplace; directing the  
6906 Commissioner of Education to create and implement the  
6907 Challenge High School Recognition Program; creating the  
6908 High School Reform Task Force and providing for  
6909 appointment of members; requiring recommendation of a  
6910 long-term plan relating to high school reform and  
6911 specifying items to be addressed; providing for  
6912 termination of the task force; amending s. 1003.415, F.S.;  
6913 providing the mission of middle grades; deleting the  
6914 rigorous reading requirement for middle grade students;  
6915 deleting obsolete language relating to a department study;  
6916 creating s. 1003.4155, F.S.; specifying the grading scale  
6917 for grades 6 through 8; creating s. 1003.4156, F.S.;  
6918 specifying general requirements for middle school  
6919 promotion; requiring an intensive reading course under  
6920 certain circumstances; defining an academic credit;  
6921 requiring school district policies and authorizing  
6922 alternative methods for progression; requiring adoption of  
6923 rules for alternative promotion standards; amending s.  
6924 1003.42, F.S.; revising provisions relating to required

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6925 instruction and courses of study in the public schools;  
6926 including study of the history of the United States and  
6927 free enterprise; amending s. 1003.43, F.S., relating to  
6928 general requirements for high school graduation; including  
6929 study of the Declaration of Independence in the credit  
6930 requirement for American government; amending s. 1003.57,  
6931 F.S.; providing guidelines for determining the residency  
6932 of an exceptional student with a disability who resides in  
6933 a residential facility and receives special instruction or  
6934 services; requiring the placing authority in a parent's  
6935 state of residence to pay the cost of such instruction,  
6936 facilities, and services for a nonresident exceptional  
6937 student with a disability; providing requirements of the  
6938 department and school districts with respect to financial  
6939 obligations; providing responsibilities of residential  
6940 facilities that educate exceptional students with  
6941 disabilities; providing applicability; defining the term  
6942 "parent" for purposes of the section; authorizing adoption  
6943 of rules; creating s. 1003.575, F.S.; requiring the  
6944 department to coordinate the development of an individual  
6945 education plan form for use in developing and implementing  
6946 individual education plans for exceptional students;  
6947 requiring the form to be available to school districts to  
6948 facilitate the use of an individual education plan when a  
6949 student transfers; amending s. 1003.58, F.S.; correcting a  
6950 cross reference; amending s. 1003.62, F.S.; conforming  
6951 provisions relating to the designation of school grades

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6952 and differentiated-pay policies; amending ss. 1005.22 and  
6953 1007.33, F.S.; conforming provisions relating to the  
6954 repeal of the Council for Education Policy Research and  
6955 Improvement; amending s. 1008.22, F.S.; specifying grade  
6956 level and subject area testing requirements; requiring the  
6957 State Board of Education to conduct concordance studies to  
6958 determine FCAT equivalencies for high school graduation;  
6959 deleting a limitation on and specifying requirements for  
6960 the use of alternative assessments to the grade 10 FCAT;  
6961 requiring an annual report on student performance;  
6962 amending s. 1008.25, F.S.; authorizing district school  
6963 boards to require low-performing students to attend  
6964 remediation programs outside of regular school hours;  
6965 requiring the department to establish a uniform format for  
6966 reporting information relating to student progression;  
6967 requiring an annual report; repealing s. 1008.301, F.S.,  
6968 relating to a concordance study of FCAT equivalencies for  
6969 high school graduation; amending s. 1008.31, F.S. ;  
6970 deleting provisions relating to performance-based funding;  
6971 revising goals and measures of the K-20 performance  
6972 accountability system and requiring data quality  
6973 improvement; providing for development of reporting and  
6974 data collection requirements; requiring adoption of rules;  
6975 amending s. 1008.33, F.S.; conforming provisions relating  
6976 to the designation of school grades and a cross reference;  
6977 authorizing district school boards to transfer teachers,  
6978 faculty, and staff as needed; amending s. 1008.34, F.S.;

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6979 | revising terminology and provisions relating to  
6980 | designation and determination of school grades; specifying  
6981 | use of assessment data with respect to alternative  
6982 | schools; defining the term "home school"; requiring an  
6983 | annual school report card to be published by the  
6984 | department and distributed by school districts; creating  
6985 | s. 1008.341, F.S.; requiring improvement ratings for  
6986 | certain alternative schools; providing the basis for such  
6987 | ratings and requiring annual performance reports;  
6988 | providing for determination of school improvement ratings,  
6989 | identification of learning gains, and eligibility for  
6990 | school recognition awards; requiring an annual report card  
6991 | to be developed by the department and distributed by  
6992 | school districts; requiring adoption of rules; amending s.  
6993 | 1008.345, F.S.; conforming provisions relating to the  
6994 | designation of school grades and a cross reference;  
6995 | amending s. 1008.36, F.S.; providing for assignment of  
6996 | school grades to certain feeder pattern schools that do  
6997 | not receive such a grade for purposes of participation in  
6998 | the Florida School Recognition Program; defining feeder  
6999 | school pattern; modifying procedures for determination and  
7000 | use of school recognition awards; amending s. 1008.45,  
7001 | F.S.; conforming provisions relating to the repeal of the  
7002 | Council for Education Policy Research and Improvement;  
7003 | repealing s. 1008.51, F.S., relating to the Council for  
7004 | Education Policy Research and Improvement; amending s.  
7005 | 1011.62, F.S.; providing FTE funding for juveniles

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7006 enrolled in a specified education program; conforming  
7007 cross references and provisions relating to the  
7008 designation of school grades; establishing a research-  
7009 based reading instruction allocation to provide funds for  
7010 a comprehensive reading instruction system; requiring  
7011 school district plans for use of the allocation and  
7012 approval thereof; including the allocation in the total  
7013 amount allocated to each school district for current  
7014 operation; amending s. 1011.64, F.S.; conforming  
7015 terminology and cross references; amending s. 1011.685,  
7016 F.S.; conforming provisions relating to the repeal of the  
7017 BEST Florida Teaching salary career ladder program and  
7018 implementation of a differentiated-pay policy; amending s.  
7019 1011.71, F.S.; authorizing use of school board millage for  
7020 payment of premiums for property and casualty insurance  
7021 necessary to insure school district educational plants;  
7022 limiting use of certain revenues; correcting a cross  
7023 reference; amending s. 1012.21, F.S.; requiring the  
7024 department to annually post online school district  
7025 collective bargaining contracts; amending s. 1012.22,  
7026 F.S.; deleting a requirement that each district school  
7027 board adopt a performance-pay policy; requiring each  
7028 district school board to annually provide its negotiated  
7029 collective bargaining contract to the department;  
7030 repealing s. 1012.231, F.S., relating to the BEST Florida  
7031 Teaching salary career ladder program; creating s.  
7032 1012.2312, F.S.; requiring each district school board to

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7033 | adopt a differentiated-pay policy for instructional  
7034 | personnel; providing factors on which differentiated pay  
7035 | shall be based; creating s. 1012.2313, F.S.; requiring  
7036 | each district school board to have a differentiated-pay  
7037 | policy for school administrators; providing factors on  
7038 | which differentiated pay shall be based; creating s.  
7039 | 1012.2315, F.S.; providing school district requirements  
7040 | for the assignment of teachers and authorizing incentives;  
7041 | providing procedures for noncompliance; providing  
7042 | requirements relating to collective bargaining; amending  
7043 | s. 1012.27, F.S.; conforming provisions relating to the  
7044 | repeal of the BEST Florida Teaching salary career ladder  
7045 | program and implementation of a differentiated-pay policy;  
7046 | amending s. 1012.34, F.S.; conforming provisions relating  
7047 | to deletion of a rigorous reading requirement; creating s.  
7048 | 1012.986, F.S.; establishing the Golden Leadership Academy  
7049 | Program; providing program requirements, leadership  
7050 | designations, and delivery systems; requiring adoption of  
7051 | rules; repealing s. 1012.987, F.S., relating to rules for  
7052 | a leadership designation; amending s. 1013.512, F.S.;  
7053 | requiring the release of funds remaining in reserve  
7054 | relating to school district land acquisition and  
7055 | facilities operations; specifying when a Land Acquisition  
7056 | and Facilities Advisory Board shall be disbanded;  
7057 | establishing the Charter School Task Force and specifying  
7058 | composition and duties; requiring the department to  
7059 | provide staff support to the task force; providing

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7060 severability; amending s. 20.15, F.S.; providing for  
7061 appointment of a Deputy Commissioner of Career Education  
7062 in the Department of Education; amending s. 446.032, F.S.;  
7063 providing duties of the department relating to  
7064 apprenticeship programs and services; repealing s.  
7065 446.609, F.S., relating to the Jobs for Florida's  
7066 Graduates program; amending s. 464.019, F.S.; authorizing  
7067 the Board of Nursing to change faculty-to-student ratios  
7068 only under certain circumstances; requiring a study to  
7069 evaluate rules regarding clinical instruction; providing  
7070 for assistance to approved nursing programs to expand  
7071 capacity; amending s. 464.0195, F.S.; requiring the  
7072 Florida Center for Nursing to develop and maintain an  
7073 information system; requiring an implementation plan;  
7074 amending s. 1001.02, F.S.; revising State Board of  
7075 Education duties with respect to developing a  
7076 postsecondary enrollment plan; requiring State Board of  
7077 Education rules that address baccalaureate degree programs  
7078 at community colleges; amending s. 1001.20, F.S.; creating  
7079 the Office of Career Education in the Department of  
7080 Education and providing responsibilities of the office;  
7081 amending s. 1001.64, F.S.; providing that community  
7082 colleges that grant baccalaureate degrees remain under the  
7083 authority of the State Board of Education with respect to  
7084 specified responsibilities; providing that the board of  
7085 trustees is the governing board for purposes of granting  
7086 baccalaureate degrees; providing powers of the boards of

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7087 trustees, including the power to establish tuition and  
7088 out-of-state fees; providing restrictions; requiring such  
7089 boards to adopt a policy requiring teachers who teach  
7090 certain upper-division courses to teach a specified  
7091 minimum number of hours; amending s. 1002.23, F.S. ;  
7092 requiring guidelines for parents relating to the  
7093 availability of the online student advising and guidance  
7094 system and additional educational opportunities; amending  
7095 s. 1003.492, F.S., relating to industry-certified career  
7096 education programs; deleting obsolete provisions relating  
7097 to studies; amending and renumbering s. 1004.85, F.S. ;  
7098 providing additional purposes for creation of educator  
7099 preparation institutes; creating s. 1004.226, F.S. ;  
7100 defining the term "center of excellence"; providing  
7101 purposes and objectives of centers of excellence;  
7102 providing for proposals for establishing or expanding  
7103 centers of excellence; requiring the State Board of  
7104 Education to develop a plan recommending the establishment  
7105 or expansion of centers of excellence; requiring  
7106 reporting; amending s. 1004.65, F.S. ; including community  
7107 colleges approved to offer baccalaureate degree programs  
7108 under authority to operate; requiring such community  
7109 colleges to maintain their primary mission and prohibiting  
7110 them from terminating associate degree programs;  
7111 prohibiting a community college from offering graduate  
7112 programs; amending s. 1004.68, F.S. ; authorizing the  
7113 continued awarding of degrees, diplomas, and certificates

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7114 by community colleges approved to offer baccalaureate  
7115 degree programs; creating s. 1006.01, F.S.; requiring the  
7116 department to provide a secondary and postsecondary  
7117 academic and career education online student advising and  
7118 guidance system; providing requirements for such system;  
7119 amending s. 1006.02, F.S.; requiring documentation that  
7120 students have utilized the online student advising and  
7121 guidance system; amending s. 1006.025, F.S.; requiring  
7122 such documentation in guidance reports; amending s.  
7123 1007.2615, F.S.; revising provisions relating to  
7124 certification of American Sign Language teachers; amending  
7125 s. 1007.271, F.S.; specifying that dual enrollment courses  
7126 are creditable toward high school graduation; providing  
7127 for FTE calculation; conforming to law minimum academic  
7128 credits required for graduation; clarifying requirements  
7129 for participation of independent postsecondary  
7130 institutions in a dual enrollment program; providing for  
7131 fee exemption; amending s. 1007.33, F.S.; revising  
7132 requirements for a proposal by a community college to  
7133 deliver a baccalaureate degree program; requiring the  
7134 State Board of Education to make proposals available for  
7135 review and comment by other postsecondary educational  
7136 institutions and authorizing alternative proposals;  
7137 eliminating requirement for review and comment by the  
7138 Council for Education Policy Research and Improvement;  
7139 authorizing the State Board of Education to approve, deny,  
7140 or require revisions to proposals; requiring periodic

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7141 evaluation of approved programs; authorizing termination  
7142 of funding for certain approved programs; requiring  
7143 rulemaking; amending s. 1009.21, F.S.; revising provisions  
7144 relating to determination of resident status for tuition  
7145 purposes; providing for such determination for purpose of  
7146 assessing tuition for instruction in workforce education  
7147 programs offered by school districts; revising definitions  
7148 and updating terminology; revising requirements for  
7149 qualification as a resident; providing duties of  
7150 institutions of higher education and school districts;  
7151 providing for reclassification under certain  
7152 circumstances; classifying as residents certain employees  
7153 of international organizations; providing eligibility  
7154 criteria for certain students who are not permanent  
7155 residents of the United States for exemption from payment  
7156 of nonresident tuition; limiting enrollment and requiring  
7157 the department to administer the exemption program;  
7158 amending s. 1009.23, F.S.; providing guidelines and  
7159 restrictions for setting community college tuition and  
7160 out-of-state fees for upper-division courses; requiring  
7161 the State Board of Education to adopt a resident fee  
7162 schedule for baccalaureate degree programs offered by  
7163 community colleges; revising provisions relating to the  
7164 fee for capital improvements, technology enhancements, or  
7165 equipping student buildings and the use thereof; providing  
7166 requirements for the issuance and validation of bonds;  
7167 revising provisions relating to the allocation for child

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7168 care centers; amending s. 1009.24, F.S.; providing  
7169 responsibilities of the Legislature and state university  
7170 boards of trustees to establish tuition and fees;  
7171 providing restrictions; creating s. 1009.286, F.S.;  
7172 requiring students to pay 75 percent over the in-state  
7173 tuition rate for certain excess credit hours; restricting  
7174 certain credit hours for purpose of calculation; providing  
7175 for notice of requirements; amending s. 1009.40, F.S.;  
7176 providing general requirements for student eligibility for  
7177 tuition assistance grants; providing that certain students  
7178 are ineligible to receive more than one state-funded  
7179 tuition assistance grant; amending s. 1009.66, F.S.;  
7180 renaming the Nursing Student Loan Forgiveness Program and  
7181 transferring administration of the program to the  
7182 Department of Education; revising criteria for receiving  
7183 funds under the program and for repayment of loans;  
7184 requiring that certain nurses employed as faculty in an  
7185 approved nursing program be given priority in receiving  
7186 funds under the program; renaming the Nursing Student Loan  
7187 Forgiveness Trust Fund and transferring administration of  
7188 the trust fund to the Department of Education; authorizing  
7189 the adoption of rules; amending s. 1009.67, F.S.; renaming  
7190 the Nursing Scholarship Program and transferring  
7191 administration of the program to the Department of  
7192 Education; revising criteria for receiving funds under the  
7193 program; revising repayment provisions; requiring the  
7194 adoption of rules; creating s. 1009.895, F.S.; creating

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Amendment No. (for drafter's use only)

7195 the Florida Independent Collegiate Assistance Grant  
7196 Program; providing for program administration; authorizing  
7197 tuition assistance grants to certain postsecondary  
7198 education students enrolling in undergraduate degree  
7199 programs for specified occupations; providing institution  
7200 eligibility requirements; amending s. 1009.971, F.S.;  
7201 providing that the Florida Prepaid College Board shall  
7202 have the power to provide for the transfer of ownership of  
7203 an advance payment contract under the Florida Prepaid  
7204 College Program or a participation agreement under the  
7205 Florida College Savings Program upon inheritance, devise,  
7206 or bequest; providing procedures and requirements with  
7207 respect to such transfer of ownership; providing for  
7208 specification of application contents by rule; providing  
7209 applicability; amending ss. 1009.972, 1009.98, and  
7210 1009.981, F.S.; authorizing the transfer of funds retained  
7211 from terminated advance payment contracts, canceled  
7212 contracts, and terminated participation agreements to the  
7213 direct-support organization established under pt. IV of  
7214 ch. 1009, F.S., for use by the Florida Prepaid Tuition  
7215 Scholarship Program and for children of specified members  
7216 of the armed forces of the United States who die while  
7217 participating in the combat theater of operations for  
7218 Operation Iraqi Freedom or Operation Enduring Freedom;  
7219 deleting the requirement that an independent college or  
7220 university be a not-for-profit institution to be eligible  
7221 for transfer of benefits; providing a restriction on

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Amendment No. (for drafter's use only)

7222 transfer of benefits; amending s. 1011.62, F.S.; providing  
7223 for FTE calculation for dual enrollment instruction;  
7224 amending s. 1011.83, F.S.; providing for funding of  
7225 approved baccalaureate programs at community colleges;  
7226 providing for use of funds and reporting requirements;  
7227 creating pt. VI of ch. 1011, F.S.; establishing the  
7228 SUCCEED, FLORIDA! Crucial Professionals Program; providing  
7229 for the appropriation of funds to the Department of  
7230 Education to be distributed on a competitive basis to  
7231 postsecondary educational institutions to offer programs  
7232 that meet critical workforce needs; providing for a  
7233 request for proposals and requirements of such proposals;  
7234 requiring establishment annually by the Legislature of a  
7235 priority list; providing for funding of proposals;  
7236 providing requirements for grant recipients and renewal  
7237 grants; establishing the SUCCEED, FLORIDA! Crucial  
7238 Professionals Nursing Education Grant Program, a contract  
7239 grant program for increasing the capacity of approved  
7240 nursing programs; requiring the Department of Education to  
7241 establish guidelines and procedures; specifying  
7242 requirements for grant proposals; establishing priorities  
7243 for receipt of grants; providing for review, approval, and  
7244 funding of proposals; requiring the State Board of  
7245 Education to submit a report on implementation status;  
7246 establishing the SUCCEED, FLORIDA! Career Paths Program to  
7247 provide career and professional academy startup grants;  
7248 providing qualification criteria; establishing the

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Amendment No. (for drafter's use only)

7249 SUCCEED, FLORIDA! Great Jobs Program; providing for the  
7250 appropriation of funds to the Department of Education to  
7251 be distributed on a competitive basis to postsecondary  
7252 educational institutions to produce graduates to enter  
7253 certain occupations in the state; providing for a request  
7254 for proposals and requirements of such proposals;  
7255 requiring establishment annually by the Legislature of a  
7256 priority list; providing for funding of proposals;  
7257 providing requirements for grant recipients; amending s.  
7258 1012.82, F.S.; revising provisions relating to minimum  
7259 contact hours for community college faculty who teach  
7260 upper-division courses; amending s. 1013.60, F.S. ;  
7261 allowing community college boards of trustees to request  
7262 funding for all authorized programs and specifying  
7263 requirements; requiring that enrollment in baccalaureate  
7264 degree programs be computed into the survey of need for  
7265 facilities; creating ch. 1014, F.S., relating to career  
7266 education; defining the term "career education"; providing  
7267 elements of the rigorous career education system;  
7268 providing guiding principles for career education;  
7269 establishing the position of Deputy Commissioner of Career  
7270 Education to direct the Office of Career Education in the  
7271 Department of Education and specifying qualifications for  
7272 the deputy commissioner; specifying responsibilities and  
7273 duties; providing legislative expectations and funding  
7274 criteria for the career education system; defining the  
7275 term "career and professional academy"; providing elements

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7276 and duties of a career and professional academy and for  
7277 certification thereof; requiring adoption of rules;  
7278 amending s. 215.20, F.S.; conforming provisions relating  
7279 to a trust fund; creating a program to offer discounted  
7280 computers and Internet access to public school students in  
7281 grades 5 through 12; requiring the department to negotiate  
7282 terms with computer manufacturers, nonprofit corporations  
7283 that obtain reconditioned computer hardware, and broadband  
7284 Internet access providers; requiring the adoption of  
7285 rules; requiring the Digital Divide Council to implement a  
7286 pilot project to assist low-income students with  
7287 purchasing discounted computers and Internet access  
7288 services; providing for funding and authorizing the  
7289 council to accept grants to implement the pilot project;  
7290 requiring the Office of Program Policy Analysis and  
7291 Government Accountability to study implementation of  
7292 career and professional academies and make  
7293 recommendations; requiring a study and report by the  
7294 Office of Program Policy Analysis and Government  
7295 Accountability relating to student progression in state  
7296 universities; requiring the department to identify  
7297 specified examinations for earning postsecondary credit  
7298 for mastery of nursing course material; requiring a status  
7299 report; providing for a type two transfer with respect to  
7300 nursing loan programs; requiring the convening of a  
7301 workgroup to make recommendations regarding bachelor of  
7302 applied science degree programs; requiring a report;

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Bill No. CS/CS/CS/SB 2

Amendment No. (for drafter's use only)

7303 approving a transfer of an endowment from the Appleton  
7304 Cultural Center, Inc., to the Central Florida Community  
7305 College Foundation; providing restrictions on the  
7306 management of the endowment; releasing the foundation from  
7307 a trust agreement and statutory requirements; amending s.  
7308 1002.39, F.S., relating to the John M. McKay Scholarships  
7309 for Students with Disabilities Program; revising  
7310 definition of the term "students with disabilities";  
7311 revising student eligibility requirements for receipt of a  
7312 scholarship and restricting eligibility therefor;  
7313 providing for term of a scholarship; revising and adding  
7314 school district obligations and clarifying parental  
7315 options; revising and adding Department of Education  
7316 obligations, including verification of eligibility of  
7317 private schools and establishment of a process for  
7318 notification of violations, subsequent investigation, and  
7319 certification of compliance by private schools; providing  
7320 Commissioner of Education authority and obligations,  
7321 including the denial, suspension, or revocation of a  
7322 private school's participation in the scholarship program  
7323 and procedures and timelines therefor; revising private  
7324 school eligibility and obligations, including compliance  
7325 with specified laws and academic accountability to the  
7326 parent; revising parent and student responsibilities for  
7327 scholarship program participation; prohibiting a private  
7328 school from acting as attorney in fact to sign a  
7329 scholarship warrant; revising provisions relating to

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Amendment No. (for drafter's use only)

7330 scholarship funding and payment; providing funding and  
7331 payment requirements for former Florida School for the  
7332 Deaf and the Blind students and for students exiting a  
7333 Department of Juvenile Justice program; providing  
7334 Department of Financial Services obligations; providing  
7335 scope of authority; requiring adoption of rules; amending  
7336 s. 220.187, F.S., relating to credits for contributions to  
7337 nonprofit scholarship-funding organizations; revising and  
7338 providing definitions; naming the scholarship program;  
7339 providing student eligibility requirements for receipt of  
7340 a corporate income tax credit scholarship and restricting  
7341 eligibility therefor; revising provisions relating to tax  
7342 credit for small businesses; providing for rescindment of  
7343 tax credit allocation; revising and adding obligations of  
7344 eligible nonprofit scholarship-funding organizations,  
7345 including compliance with requirements for background  
7346 checks, scholarship-funding organization ownership or  
7347 operation, audits, and reports; requiring certain  
7348 information to remain confidential in accordance with s.  
7349 213.053, F.S.; revising and adding parent and student  
7350 responsibilities for scholarship program participation,  
7351 including compliance with private school's published  
7352 policies, participation in student academic assessment,  
7353 and restrictive endorsement of scholarship warrants or  
7354 checks; prohibiting power of attorney for endorsing a  
7355 scholarship warrant or check; revising and adding private  
7356 school eligibility requirements and obligations, including

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Amendment No. (for drafter's use only)

7357 compliance with specified laws and academic accountability  
7358 to the parent; revising and adding Department of Education  
7359 obligations, including verification of eligibility of  
7360 program participants, establishment of a process for  
7361 notification of violations, subsequent investigation, and  
7362 certification of compliance by private schools, and  
7363 selection of a research organization to analyze student  
7364 performance data; providing Commissioner of Education  
7365 authority and obligations, including the denial,  
7366 suspension, or revocation of a private school's  
7367 participation in the scholarship program and procedures  
7368 and timelines therefor; revising and adding provisions  
7369 relating to scholarship funding and payment, including the  
7370 amount of a scholarship and the payment process; requiring  
7371 adoption of rules; creating s. 1002.421, F.S., relating to  
7372 rights and obligations of private schools participating in  
7373 state school choice scholarship programs; providing  
7374 requirements for participation in a scholarship program,  
7375 including compliance with specified state, local, and  
7376 federal laws and demonstration of fiscal soundness;  
7377 requiring restrictive endorsement of checks and  
7378 prohibiting a school from acting as attorney in fact;  
7379 requiring employment of qualified teachers and background  
7380 screening of individuals with direct student contact;  
7381 providing scope of authority; requiring adoption of rules;  
7382 the Department of Education to evaluate the extent to  
7383 which the Sunshine State Standards in the arts are being

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Amendment No. (for drafter's use only)

7384 | taught; requiring a report to the Governor and the  
7385 | Legislature; amending s. 1003.455, F.S.; requiring each  
7386 | school district to submit a copy of its wellness policy to  
7387 | the Department of Education; requiring the department to  
7388 | post each policy on its website; encouraging each school  
7389 | district to review its level of participation and evaluate  
7390 | the success of its wellness programs; encouraging school  
7391 | districts to solicit public input regarding their policies  
7392 | on nutritional offerings and wellness plans; requiring  
7393 | certain public high schools to have a defibrillator on the  
7394 | school grounds; encouraging public and private  
7395 | partnerships to cover the costs associated with the  
7396 | defibrillator; encouraging school boards to review  
7397 | research with regard to how physical movement can enhance  
7398 | learning in academic subjects; requiring certain content  
7399 | to be included in staff development of physical education  
7400 | and arts instructors; amending s. 411.01, F.S.; providing  
7401 | that specified counties continue to operate as an  
7402 | independent early learning coalition for certain purposes;  
7403 | amending s. 1006.20, F.S.; requiring the Florida High  
7404 | School Athletic Association to adopt bylaws relating to  
7405 | steroid use and the adherence to a coaches code of ethics;  
7406 | requiring development of such code; requiring the Florida  
7407 | High School Athletic Association to make recommendations  
7408 | for a pilot drug testing program to test for performance-  
7409 | enhancing drugs; amending s. 287.055, F.S.; including  
7410 | regional consortium service organizations under provisions

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Amendment No. (for drafter's use only)

7411 relating to procurement and competitive selection of  
7412 certain professional services; amending 1001.453, F.S.;  
7413 revising definition of direct-support organization to  
7414 include a regional consortium service organization direct-  
7415 support organization; authorizing use of property and  
7416 requiring rules; providing for approval of a board of  
7417 directors and requiring audits; amending s. 1010.09, F.S.;  
7418 conforming a provision relating to direct-support  
7419 organizations; amending s. 1011.765, F.S.; providing that  
7420 the Florida Academic Improvement Trust Fund shall be  
7421 utilized to provide matching grants to regional consortium  
7422 service organization education foundations; amending s.  
7423 401.107, F.S.; defining the terms "youth athletic  
7424 organization" and "automated external defibrillator  
7425 device"; amending s. 401.111, F.S.; providing for grants  
7426 to local agencies, emergency medical services  
7427 organizations, and youth athletic organizations to expand  
7428 the use of automated external defibrillator devices;  
7429 amending s. 401.113, F.S.; providing for disbursement of  
7430 funds from the Emergency Medical Services Trust Fund;  
7431 requiring the Department of Health to implement an  
7432 educational campaign to inform the public about the lack  
7433 of immunity from liability regarding the use of automated  
7434 external defibrillator devices under certain conditions;  
7435 providing for purchase of an electronic fingerprint  
7436 scanner for purposes of background screening for certain  
7437 private school employees; providing an effective date.

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Amendment No. (for drafter's use only)

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