

1 A bill to be entitled
2 An act relating to education; amending ss. 1000.21 and
3 1004.35, F.S.; changing the name of Broward Community
4 College to Broward College; amending s. 1001.452, F.S.;
5 revising provisions relating to membership of school
6 advisory councils; creating s. 1004.665, F.S.; authorizing
7 a community college to change its name to college if it
8 meets certain requirements; creating s. 1006.0602, F.S.;
9 providing legislative intent to increase the nutritional
10 value of foods offered in school vending machines;
11 requiring district school board policy that vending
12 machine items meet certain criteria; providing acceptable
13 nutritional standards; providing a definition; providing a
14 penalty for sales in violation of school district policy;
15 creating s. 1006.205, F.S.; designating the Florida School
16 Music Association as the governing nonprofit organization
17 of music and music-related activities in the public
18 schools; providing requirements for the organization;
19 authorizing private school or home education association
20 membership; providing for bylaws; providing for a board of
21 directors and composition of the board; providing
22 authority and duties of the board; amending s. 1012.33,
23 F.S.; providing a procedure for assistance to a newly
24 employed member of the instructional staff whose contract
25 may be terminated or whose resignation may be accepted
26 during a probationary period; amending s. 1012.55, F.S.;
27 revising certification requirements for athletic coaches;
28 requiring the State Board of Education to identify and

29 | implement a coaching preparation program; providing an
30 | effective date.

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32 | Be It Enacted by the Legislature of the State of Florida:

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34 | Section 1. Paragraph (b) of subsection (3) of section
35 | 1000.21, Florida Statutes, is amended to read:

36 | 1000.21 Systemwide definitions.--As used in the Florida K-
37 | 20 Education Code:

38 | (3) "Community college," except as otherwise specifically
39 | provided, includes the following institutions and any branch
40 | campuses, centers, or other affiliates of the institution:

41 | (b) Broward ~~Community~~ College.

42 | Section 2. Paragraph (a) of subsection (1) of section
43 | 1001.452, Florida Statutes, is amended to read:

44 | 1001.452 District and school advisory councils.--

45 | (1) ESTABLISHMENT.--

46 | (a) The district school board shall establish an advisory
47 | council for each school in the district and shall develop
48 | procedures for the election and appointment of advisory council
49 | members. Each school advisory council shall include in its name
50 | the words "school advisory council." The school advisory council
51 | shall be the sole body responsible for final decisionmaking at
52 | the school relating to implementation of the provisions of ss.
53 | 1001.42(16) and 1008.345. A majority of the members of each
54 | school advisory council must be persons who are not employed by
55 | the school district. Each advisory council shall be composed of
56 | the principal and an appropriately balanced number of teachers,

57 education support employees, students, parents, and other
58 business and community citizens who are representative of the
59 ethnic, racial, and economic community served by the school.
60 Career center and high school advisory councils shall include
61 students, and middle and junior high school advisory councils
62 may include students. School advisory councils of career centers
63 and adult education centers are not required to include parents
64 as members. Council members representing teachers, education
65 support employees, students, and parents shall be elected by
66 their respective peer groups at the school in a fair and
67 equitable manner as follows:

- 68 1. Teachers shall be elected by teachers.
- 69 2. Education support employees shall be elected by
70 education support employees.
- 71 3. Students shall be elected by students.
- 72 4. Parents shall be elected by parents.

73
74 The district school board shall establish procedures for use by
75 schools in selecting business and community members that include
76 means of ensuring wide notice of vacancies and of taking input
77 on possible members from local business, chambers of commerce,
78 community and civic organizations and groups, and the public at
79 large. The district school board shall review the membership
80 composition of each advisory council. If the district school
81 board determines that the membership elected by the school is
82 not representative of the ethnic, racial, and economic community
83 served by the school, the district school board shall appoint
84 additional members to achieve proper representation. The

85 commissioner shall determine if schools have maximized their
 86 efforts to include on their advisory councils minority persons
 87 and persons of lower socioeconomic status. Although schools are
 88 strongly encouraged to establish school advisory councils, the
 89 district school board of any school district that has a student
 90 population of 10,000 or fewer may establish a district advisory
 91 council which shall include at least one duly elected teacher
 92 from each school in the district. For the purposes of school
 93 advisory councils and district advisory councils, the term
 94 "teacher" shall include classroom teachers, certified student
 95 services personnel, and media specialists. For purposes of this
 96 paragraph, "education support employee" means any person
 97 employed by a school who is not defined as instructional or
 98 administrative personnel pursuant to s. 1012.01 and whose duties
 99 require 20 or more hours in each normal working week.

100 Section 3. Section 1004.35, Florida Statutes, is amended
 101 to read:

102 1004.35 Broward County campuses of Florida Atlantic
 103 University; coordination with other institutions.--The State
 104 Board of Education, the Board of Governors, and Florida Atlantic
 105 University shall consult with Broward ~~Community~~ College and
 106 Florida International University in coordinating course
 107 offerings at the postsecondary level in Broward County. Florida
 108 Atlantic University may contract with the Board of Trustees of
 109 Broward ~~Community~~ College and with Florida International
 110 University to provide instruction in courses offered at the
 111 Southeast Campus. Florida Atlantic University shall increase

112 course offerings at the Southeast Campus as facilities become
 113 available.

114 Section 4. Section 1004.665, Florida Statutes, is created
 115 to read:

116 1004.665 Designation as college.--Any community college in
 117 the state community college system is authorized to change its
 118 name to "college" if it becomes accredited as a baccalaureate
 119 degree granting college.

120 Section 5. Section 1006.0602, Florida Statutes, is created
 121 to read:

122 1006.0602 Vending machines in schools.--

123 (1) It is the intent of the Legislature that school
 124 districts work with contractors to increase over time the
 125 nutritional value of foods offered to students in school vending
 126 machines and to phase in higher nutritional standards for foods
 127 offered in vending machines as vendor contracts are renewed. It
 128 is also the intent of the Legislature that the Department of
 129 Education, within existing appropriations, provide guidance and
 130 assistance to school districts in promoting and offering
 131 nutritional foods and healthful food alternatives.

132 (2) By the beginning of the 2009-2010 school year, each
 133 district school board shall adopt a policy that requires all
 134 items offered in each vending machine located in each school in
 135 the district to meet the criteria set forth in subsection (3).

136 (3) (a) Foods and beverages sold through school vending
 137 machines that meet acceptable nutritional standards shall
 138 consist of the following:

139 1. Carbonated or uncarbonated water.

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140 2. Milk, as defined in s. 502.012, with 2 percent or less
141 milk fat, including chocolate milk, and milk alternatives,
142 including, but not limited to, soy beverages, rice beverages,
143 and other similar dairy or nondairy beverages.

144 3. One hundred percent fruit juices or fruit-based drinks
145 composed of no less than 50 percent juice, without additional
146 sweeteners.

147 4. An electrolyte replacement beverage that contains 42
148 grams or fewer of additional sweetener per 20-ounce serving.

149 5. Nuts, seeds, dairy products, fresh fruits or
150 vegetables, dried fruits or vegetables, and packaged fruits in
151 their own juice.

152 6. Any other food item containing:

153 a. Not more than 35 percent of its total calories from fat
154 and not more than 10 percent of its total calories from
155 saturated fat.

156 b. Not more than 35 percent of its total weight in sugar.

157 (b) For purposes of this section, "additional sweetener"
158 means an additive that enhances the sweetness of a food or
159 beverage, including, but not limited to, sugar. Additional
160 sweetener does not include the natural sugar or sugars that are
161 contained in any fruit juice that is a component of the food or
162 beverage.

163 (4) Beginning with the 2009-2010 school year, a school
164 district in violation of this section shall pay to the Chief
165 Financial Officer an amount equal to the estimated profits
166 attributable to the school district from the vending machine
167 sales that are in violation of the school district policy. These

168 moneys shall be credited to the Food and Nutrition Services
 169 Trust Fund under s. 1010.77.

170 Section 6. Section 1006.205, Florida Statutes, is created
 171 to read:

172 1006.205 Music-related activities in public K-12
 173 schools.--

174 (1) The Florida School Music Association is designated as
 175 the governing nonprofit organization of music and music-related
 176 activities in Florida public schools. If the Florida School
 177 Music Association fails to meet the provisions of this section,
 178 the Commissioner of Education, with the approval of the State
 179 Board of Education, shall designate a nonprofit organization to
 180 govern music and music-related activities. The organization is
 181 not a state agency as defined in s. 120.52. The organization
 182 shall be subject to the provisions of s. 1006.19. A private
 183 school or home education association that wishes to engage in
 184 high school music or music-related activities with a public
 185 school may become a member of the organization.

186 (2) The bylaws of the organization shall be the rules that
 187 govern high school and middle school music, music activities and
 188 events, and associated programs in the organization's member
 189 schools, and the students who participate in them, unless
 190 otherwise specifically provided by law. For the purposes of this
 191 section, high school and middle school include grades 6-12.

192 (3) (a) The executive authority of the organization shall
 193 be vested in its board of directors. Any entity that appoints
 194 members to the board of directors shall examine the ethnic and
 195 demographic composition of the board when selecting candidates

196 for appointment and shall, to the greatest extent possible, make
 197 appointments that reflect state demographic and population
 198 trends. The board of directors shall be composed of 19 persons
 199 as follows:

200 1. Six public school principals appointed by the Florida
 201 Association of School Administrators, three each from the
 202 northern and the southern administrative regions, who equally
 203 represent high schools and middle schools.

204 2. One private school representative appointed by the
 205 Department of Education.

206 3. One home education representative elected from member
 207 home education associations.

208 4. Two school board members appointed by the Florida
 209 School Boards Association.

210 5. Two district school superintendents appointed by the
 211 Florida Association of District School Superintendents.

212 6. Six representatives of the interests of bands,
 213 orchestras, choruses, or other music-related school
 214 organizations appointed or elected by the Florida Music
 215 Educators' Association.

216 7. The Commissioner of Education or his or her designee.

217 (b) A quorum shall be 10 members.

218 (c) The board of directors shall elect officers from among
 219 its members. The officers shall consist of the president,
 220 president elect, and immediate past president.

221 (d) Members of the board of directors shall serve terms of
 222 3 years and are eligible to succeed themselves only once.

223 (4) The authority and duties of the board of directors,

224 acting as a body and in accordance with the organization's
 225 bylaws, are as follows:

226 (a) To fulfill its obligations as required by the
 227 organization's articles of incorporation.

228 (b) To establish guidelines, regulations, policies, and
 229 procedures as are authorized by the bylaws.

230 (c) To appoint an organization director who shall have the
 231 authority to waive the bylaws of the organization in order to
 232 comply with changes in law.

233 (d) To levy annual dues and other fees and to set the
 234 percentage of event receipts to be collected by the
 235 organization.

236 (e) To approve the budget of the organization.

237 (f) To organize and conduct statewide interscholastic
 238 music events, which may or may not lead to state-level events,
 239 and to establish the terms and conditions for those events or
 240 the organizations that are recognized to conduct such events.

241 (g) To act as the administrative board in the
 242 interpretation of, and final decision on, all questions and
 243 appeals arising from directing interscholastic music and music-
 244 related activities of member schools.

245 Section 7. Paragraph (a) of subsection (3) of section
 246 1012.33, Florida Statutes, is amended to read:

247 1012.33 Contracts with instructional staff, supervisors,
 248 and school principals.--

249 (3) (a) Each district school board shall provide a
 250 professional service contract as prescribed herein. Each member
 251 of the instructional staff who completed the following

252 requirements prior to July 1, 1984, shall be entitled to and
253 shall be issued a continuing contract in the form prescribed by
254 rules of the state board pursuant to s. 231.36, Florida Statutes
255 (1981). Each member of the instructional staff who completes the
256 following requirements on or after July 1, 1984, shall be
257 entitled to and shall be issued a professional service contract
258 in the form prescribed by rules of the state board as provided
259 herein:

260 1. The member must hold a professional certificate as
261 prescribed by s. 1012.56 and rules of the State Board of
262 Education.

263 2. The member must have completed 3 years of probationary
264 service in the district during a period not in excess of 5
265 successive years, except for leave duly authorized and granted.

266 3. The member must have been recommended by the district
267 school superintendent for such contract and reappointed by the
268 district school board based on successful performance of duties
269 and demonstration of professional competence.

270 4. For any person newly employed as a member of the
271 instructional staff after June 30, 1997, the initial annual
272 contract shall include a 97-day probationary period during which
273 time the employee's contract may be terminated without cause or
274 the employee may resign without breach of contract. However, an
275 employee's contract may not be terminated without the employee
276 first being offered informal assistance through a professional
277 development plan or a school board approved internal assistance
278 plan to provide appropriate training. Such a process shall be
279 initiated by a written letter from the school principal to the

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280 instructional staff member alerting the employee of the overall
281 concerns with his or her performance. A professional development
282 plan or an internal assistance plan shall be maintained for the
283 purposes of this subparagraph for no longer than 4 weeks and
284 shall result in a determination that the contract of the
285 employee shall or shall not be terminated or the employee shall
286 resign without breach of contract.

287 Section 8. Subsection (2) of section 1012.55, Florida
288 Statutes, is amended to read:

289 1012.55 Positions for which certificates required.--

290 (2) (a) Each person who is employed and renders service as
291 an athletic coach in any public school in any district of this
292 state shall hold:

293 1. A valid temporary or professional certificate, complete
294 the Internet-based coaching preparation program implemented by
295 the State Board of Education pursuant to paragraph (b), and hold
296 a valid cardiopulmonary resuscitation course completion card or
297 certificate issued by the American Heart Association or the
298 American Red Cross or an equivalent cardiopulmonary
299 resuscitation course completion card or certificate issued by an
300 entity approved by rule by the Department of Health; or

301 2. An athletic coaching certificate. The athletic coaching
302 certificate may be used for either part-time or full-time
303 positions.

304 (b) The State Board of Education shall review and compare
305 the National Standards for Athletic Coaches, Levels 1-3, with
306 the American Sport Education Program (ASEP), the National
307 Federation of State High School Associations (NFHS) Coaches

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308 Education Program, National Center for Sports Safety (NCSS)
309 courses, and other equivalent programs and courses to identify
310 and implement a coaching preparation program that provides, at a
311 minimum, an overview of the recognition and prevention of
312 athletic injuries, coaching theory, and the effects and dangers
313 of drug use, including performance enhancing drugs. Training
314 through the program must be Internet-based but may also be
315 offered as face-to-face training or correspondence training.

316

317 The provisions of this subsection do not apply to any athletic
318 coach who voluntarily renders service and who is not employed by
319 any public school district of this state.

320 Section 9. This act shall take effect July 1, 2008.