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CALL TO ORDER

The Senate was called to order by President Jennings at 9:30 a.m. A quorum present—40:

Madam President	Dawson-White	Jones	Mitchell
Bronson	Diaz-Balart	King	Myers
Brown-Waite	Dyer	Kirkpatrick	Rossin
Burt	Forman	Klein	Saunders
Campbell	Geller	Kurth	Scott
Carlton	Grant	Latvala	Sebesta
Casas	Gutman	Laurent	Silver
Childers	Hargrett	Lee	Sullivan
Clary	Holzendorf	McKay	Thomas
Cowin	Horne	Meek	Webster

PRAYER

The following prayer was offered by Lt. Col. Frank Mayernick, Chaplain, headquartered at Hurlburt Field, Fort Walton Beach:

O Lord, our Lord the Almighty God, how majestic is your name throughout the earth. You have covered the heavens with your splendor! You watch over all your creation. Almighty God, look upon those gathered here this morning and bless the work they are about to begin. You always desire the best for your people, so we thank you that you created us with a passion for freedom and justice for all. Continue to bless them with the spiritual grace and the motivation for public service which has flowed from them into the lives of others and has made the State of Florida great.

Now Lord, we also petition you to hear us and bring a just and equitable end to the grievous conflict in Kosovo. We ask you, hear us and have mercy. Again we pray that you would grant peace, justice and deliverance for all the suffering inhabitants of that region.

Again we pray that you would grant protection for those serving in the armed forces, solace for their families and friends and peace for all nations of this world. We ask you, hear us and have mercy.

Continue to bless our beloved nation that it may always be a stronghold of justice and freedom. Strengthen the bonds of friendship among habitants of all lands, and may the love of your name hallow every home and heart.

In your name, we pray. Amen.

PLEDGE

Senate Pages Courtney Crockett of Lauderdale Lakes and Katie Grant of Clermont, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Kirkpatrick—

By Senator Kirkpatrick—

SR 2660—A resolution honoring Dr. Willis N. Holcombe, President of Broward Community College.

WHEREAS, Dr. Willis N. Holcombe was born on April 18, 1945, in Iron Mountain, Michigan, and

WHEREAS, he received his bachelor's degree at the Baldwin-Wallace College, then obtained his master's and doctoral degrees at the University of Florida, and

WHEREAS, Dr. Willis N. Holcombe has served with distinction as the President of Broward Community College since 1987, and

WHEREAS, Dr. Holcombe began his career at Broward Community College in 1974 as the Assistant to the President, and

WHEREAS, he rapidly advanced to the positions of Academic Dean, Provost, and Vice-President during his tenure at Broward Community College, and

WHEREAS, Dr. Holcombe advocates on behalf of education through his involvement in multiple associations and commissions, and

WHEREAS, Dr. Holcombe has been a leader in workforce development in Florida, both through his position as President of Broward Community College and as a member of the Workforce Development Board, and

WHEREAS, students throughout the state have benefited from Dr. Holcombe's working to improve articulation, and

WHEREAS, much of Dr. Holcombe's free time is committed to the United Way of Broward County, the Greater Fort Lauderdale Chamber of Commerce, and the Holocaust Documentation and Education Center, Inc., and

WHEREAS, his wife, Jo, and his children, Megan, Ben, and Joe, share in his contributions to the Broward Community College and the State of Florida, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the distinguished career of Dr. Willis N. Holcombe and his outstanding contributions to the Broward Community College, the Community College System, and the State of Florida and expresses the sincere gratitude and appreciation of this body for Dr. Holcombe's service to the students of our state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Willis N. Holcombe, as a tangible token of the sentiments of the Florida Senate.

—**SR 2660** was introduced, read and adopted by publication.

At the request of Senator Kirkpatrick—

By Senator Kirkpatrick—

SR 2662—A resolution honoring Dr. Edwin R. Massey, President of Indian River Community College.

WHEREAS, Dr. Edwin R. Massey was born on November 4, 1945, in the State of Mississippi, and

WHEREAS, Dr. Massey received his bachelor's degree from Millsaps College and obtained his master's and doctoral degrees from the University of Southern Mississippi, and

WHEREAS, Dr. Edwin R. Massey has served as the President of Indian River Community College since 1988, and

WHEREAS, he began his career at Indian River Community College 25 years ago as a biology professor, and

WHEREAS, the students, faculty, and staff of the entire Community College System have benefited from his advocacy and dedication, and

WHEREAS, Dr. Massey serves on numerous statewide committees and boards and chairs the Statewide Committee on Accountability and Effectiveness, the Performance Based Funding Task Force for the Community College System, and the Articulation Committee for the Council of Presidents, and

WHEREAS, he received the "President's Award for Excellence" from the Florida Association of Community Colleges in 1995, and

WHEREAS, much of Dr. Massey's free time is devoted to the United Way of Indian River and St. Lucie Counties and the Treasure Coast Literary Society, among other endeavors, and

WHEREAS, his wife, Jo, and his children, Michelle, Kim, and Paul, share in his contributions to Indian River Community College, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes the distinguished career of Dr. Edwin R. Massey and the many fine contributions he has made to the Indian River Community College, the Community College System, and the State of Florida and expresses the sincere gratitude and appreciation of this body for Dr. Massey's service to the students of our state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Edwin R. Massey as a token of the sentiments of the Florida Senate.

—**SR 2662** was introduced, read and adopted by publication.

At the request of Senator Silver—

By Senator Silver—

SR 2686—A resolution recognizing April 7, 1999, as "Just Read Day."

WHEREAS, no skill is more vital to success in school and in life than the ability to read, and

WHEREAS, reading ability opens a wide range of career opportunities and is ultimately the cornerstone to lifelong learning, and

WHEREAS, reading books, music, computer screens, and other languages helps build a geographical, international bridge among people, and

WHEREAS, reading is so crucial to education that school boards throughout the State of Florida must implement comprehensive reading programs with "benchmarks" for student performance at each grade level which reflect Sunshine State Standards for Reading and Literature, and

WHEREAS, achieving these goals and benchmarks will help ensure that every child reads at or above grade level, and

WHEREAS, we have passed the point in American education where one institution can shoulder the entire task of educating youth without parent and community involvement, and

WHEREAS, there is no greater task than providing students with the necessary skills to read sufficiently and proficiently for success, for recreation, and for lifelong learning, and

WHEREAS, for these very important reasons every school district in the State of Florida is called upon to actively seek student, parent, and community involvement in the effort to assure a child's ability to read, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate recognizes April 7, 1999, as "Just Read Day."

BE IT FURTHER RESOLVED, that the Florida Senate urges the support and participation of all persons in making a conscious effort to assure a child's ability to read.

—**SR 2686** was introduced, read and adopted by publication.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator McKay, by two-thirds vote **CS for SB 702, CS for SB 1210, CS for SB 1250, CS for CS for SB 1470, CS for SB 1588, CS for SB 1600, SB 1744, CS for SB 1774, SB 1830, CS for SB 1910, CS for SB 2280, CS for SB 2336 and CS for SB 2510** were withdrawn from the Committee on Fiscal Policy.

On motion by Senator McKay, by two-thirds vote **SB 960** was withdrawn from the Committee on Rules and Calendar; **CS for SB 1792** was withdrawn from the Committee on Fiscal Resource; and **SB 1874** was withdrawn from the Committee on Criminal Justice.

On motion by Senator McKay, by two-thirds vote **CS for HB's 751, 753 and 755** was withdrawn from the Committees on Education and Fiscal Policy; and the rules were waived and by two-thirds vote placed on the Special Order Calendar to be considered following **CS for SB 1646**.

MOTIONS

On motion by Senator McKay, a deadline of 5:00 p.m. Wednesday, April 14, was set for filing amendments to Bills on Third Reading to be considered Thursday, April 15.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

On motion by Senator Cowin, by two-thirds vote—

CS for CS for SB 1756—A bill to be entitled An act relating to educational accountability; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop

a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 240.529, F.S., relating to approval of teacher education programs; conforming a cross-reference; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community

Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.

—was read the second time by title.

Senators Dyer, Forman, Holzendorf, Jones, Klein, Kurth and Rossin offered the following amendment which was moved by Senator Dyer and failed:

Amendment 1 (182298)(with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 229.0535, Florida Statutes, is amended to read:

229.0535 Authority to enforce school improvement.—It is the intent of the Legislature that all public schools be held accountable for ensuring that students performing perform at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making not providing adequate progress toward state standards, and institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance shall be the responsibility of the State Board of Education.

(1) Pursuant to Art. IX of the State Constitution prescribing the duty of the State Board of Education to supervise Florida's public school system and notwithstanding any other statutory provisions to the contrary, the State Board of Education shall have the authority to intervene in the operation of a district school system when in cases where one or more schools in the a school district have failed to make adequate progress for 2 3 consecutive school years in a 4-year period. The state board may determine that the school district or and/or school has not taken steps sufficient for to ensure that students in the school to be academically in question are well served.

(2) **PROBATIONARY STATUS OF LOW PERFORMING SCHOOLS.**—After 1 year of a school being designated as performance grade category "F," a school shall be considered to be on probation. Probationary status shall remain in effect for the category "F" school until such time as the school achieves category "C" performance or better as determined pursuant to s. 229.57. A school's probationary status shall not impair the credits earned by students attending the school.

(3) **SCHOOL DISTRICT AUTHORITY TO REORGANIZE SCHOOLS.**—In instances where one or more schools within a district are on probation, the district school board is authorized to negotiate special provisions of its contract with the appropriate bargaining units in order to free these probationary status schools from contract restrictions that limit the school board's ability to implement programs and strategies needed to improve student performance.

(4) **STATE BOARD AUTHORITY TO ENFORCE SCHOOL IMPROVEMENT.**—Considering recommendations of the Commissioner of Education, the state board shall is authorized to recommend action to a district school board that is intended to improve ensure improved educational services to students in any school that remains under continuing probationary status for more than 1 calendar year the low performing schools in question. Based upon the recommendations of the Commissioner of Education, the state board shall direct the department to initiate assistance to a district school board intended to improve the educational services to students in low performing schools within the district. The state board may appoint an educational care team as defined in s. 229.5925 to assist the department. Recommendations for actions to be taken in the school district shall be made only after thorough consideration of the unique characteristics of a school, which shall also

include student mobility rates and the number and type of exceptional students enrolled in the school. The state board shall adopt by rule steps to follow in this process. Such steps shall provide ensure that school districts have sufficient time to improve student performance in schools and have had the opportunity to present evidence of assistance and interventions that the school board has implemented.

(a) In so doing, the department shall conduct a comprehensive assessment making thorough consideration of the unique characteristics of a school, which shall also include student mobility rates and the number and type of exceptional students enrolled in the school;

(b) Upon finding by the department, as directed by the state board that inadequacies exist, the department shall provide additional assistance and resources to remedy the inadequacies;

(c) The state board shall direct the department to consult with the school district to implement a plan that satisfactorily resolves the education equity problems.

(d) If an educational care team is appointed and assigned to assist the school, it shall perform its duties pursuant to s. 229.5925.

(5)(2) If a school receives a performance grade category "F" designation while on probation, the state board is specifically authorized to recommend one or more of the following actions to school boards to enable ensure that students in low-performing schools to be academically are well served by the public school system:

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

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

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

(d) Allow parents of students in the school to send their children to another district school of their choice., if appropriate; or

(e) Other action as deemed appropriate to improve the school's performance.

(6) STATE BOARD AUTHORITY TO ENFORCE SCHOOL DISTRICT IMPROVEMENT.—

(a) Considering the recommendations of the Commission on Education Reform and Accountability, the Commissioner of Education, and other interested parties, the state board shall adopt rules that clearly and concisely state the responsibilities of school districts to provide an equitable educational environment and atmosphere to each school and student under its control. Rules shall specifically state expectations regarding, but not limited to:

1. The request for and distribution of textbooks and other instructional materials such that no student is without at least one set for all core subjects;

2. The request and adequate usage of funds for the repair and maintenance of schools; and

3. Other rules as necessary to ensure that no two schools within a district are so grossly dissimilar in physical resources and environment as to have any one school's students and staff at a disadvantage to another.

(b) If continued low performance of probationary status schools is deemed by the state board to be the result of school district incompetence or dereliction of duties, as shall be defined by state board rule, the board may undertake any of the actions previously stated in this section or either of the following:

1. Restrict the discretionary powers of the school district until such time as the inadequacies are corrected; or

2. Order the removal of either the superintendent of schools or members of the school board or both when it is determined by overwhelming evidence that the school board or superintendent has not taken steps to remedy low performance of schools over a period of time and considering recommendations made by the various educational entities. Any order is subject to all statutes relating to administrative procedures and other tenets of due process as applicable.

(c) If an order by the state board on the removal of school board members or the elected superintendent withstands administrative procedure, a special election shall be held within 60 days after the removal. Notice of the action shall be published immediately upon the actual date of removal and again no more than 7 days before the special election. During the 60 days before the special election, the local legislative delegation shall oversee the general operation of schools with the aid of the deputy superintendent of schools.

(7)(3) In recommending actions to school boards, the State Board of Education shall specify the length of time available to implement the recommended action. The state board may adopt rules to further specify how it may respond in specific circumstances. No action taken by the state board shall relieve a school from state accountability requirements.

(8)(4) The State Board of Education is authorized to require the Department of Education or Comptroller to withhold any transfer of state funds to the school district if, within the timeframe specified in state board action, the school district has failed to comply with the said action ordered to improve the district's low-performing schools. Withholding the transfer of funds shall occur only after all other recommended actions for school improvement have failed to improve the performance of the school. The State Board of Education may invoke the same penalty to any school board that fails to develop and implement a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)(c).

Section 2. Section 228.057, Florida Statutes, is amended to read:

228.057 Public school parental choice.—

(1) The Legislature declares that it is the policy of this state to allow each student who chooses to attend public schools, or whose parent or guardian chooses to have the student attend public schools, to be provided with a public school controlled open enrollment option to the extent that it is feasible for the school district to do so.

(2)(1) As used in this section, the term "controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential school choice as a significant factor.

(3)(a)(2) Beginning with the 2001-2002 1997-1998 school year, each district school board shall may offer controlled open enrollment within the public schools. The controlled open enrollment program shall be offered in addition to the existing choice programs such as magnet schools, alternative schools, special programs, advanced placement, and dual enrollment.

(b) A school district that has fewer than 30,000 students may, but is not required to, offer controlled open enrollment.

(4)(3) Each district school board shall develop a controlled open enrollment plan which describes the implementation of paragraph (3)(a) subsection (2).

(5)(4) School districts shall adhere to federal desegregation requirements. No controlled open enrollment plan that conflicts with federal desegregation orders shall be implemented.

(6)(5) Each school district shall develop a system of priorities for its plan that includes consideration of the following:

(a) An application process required to participate in the controlled open enrollment program.

(b) A process that allows parents to declare school preferences.

(c) A process that encourages placement of siblings within the same school.

- (d) A lottery procedure used by the school district to determine student assignment.
- (e) An appeals process for hardship cases.
- (f) The procedures to maintain socioeconomic, demographic, and racial balance.
- (g) The availability of transportation.
- (h) A process that promotes strong parental involvement, including the designation of a parent liaison.
- (i) A strategy that establishes a clearinghouse of information designed to assist parents in making informed choices.

(7)(6) Plans shall be submitted to the Commissioner of Education by June 30, 1997. The Commissioner of Education shall develop an annual report on the status of school choice and deliver the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days prior to the convening of the regular session of the Legislature.

(8) A school district that has an incomplete controlled open enrollment plan or has a controlled open enrollment plan that cannot be implemented due to conflicts with federal desegregation requirements shall develop a revised plan by the 2000-2001 school year and shall submit the revised plan to the Department of Education by September 1, 2000.

(9)(7) The Department of Education shall develop, during the 1999-2000 ~~1996-1997~~ school year, recommendations for a public school parental choice incentive program to benefit district school boards that implement a public school parental choice plan pursuant to *paragraph (3)(a) subsection (2)* for the 2001-2002 ~~1997-1998~~ school year based on the date on which the district implemented controlled open enrollment, with priority given to those districts that implemented controlled open enrollment earliest and highest priority given to those districts that implemented controlled open enrollment before the effective date of this act. In developing the program, the department may consider financial, as well as other, incentives that best promote the intent of the Legislature relating to open enrollment in public schools.

(10)(8) Notwithstanding any provision of this section, a school district with schools operating on both multiple session schedules and single session schedules shall afford parents of students in multiple session schools preferred access to the controlled open enrollment program of the school district.

Section 3. Subsection (14) of section 229.512, Florida Statutes, is amended, present subsections (15) and (16) are renumbered as subsections (18) and (19), respectively, and new subsections (15), (16), and (17) are added to that section, to read:

229.512 Commissioner of Education; general powers and duties.—The Commissioner of Education is the chief educational officer of the state, and has the following general powers and duties:

(14) To implement a program of school improvement and education accountability designed to provide all students the opportunity to make adequate learning gains in each year of school as provided by statute and State Board of Education rule which is based upon the achievement of the state education goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the school board as responsible for school and student performance, and the individual school as the unit for education accountability.;

(15) To arrange for the preparation, publication, and distribution of materials relating to the state system of public education which will supply information concerning needs, problems, plans, and possibilities.;

(16) To prepare and publish annually reports giving statistics and other useful information pertaining to the state system of public education.;

(17) To have printed copies of school laws, forms, instruments, instructions, and regulations of the State Board of Education and to provide for their the distribution of the same.

Section 4. Section 229.555, Florida Statutes, is amended to read:

229.555 Educational planning and information systems.—

(1) EDUCATIONAL PLANNING.—

(a) The commissioner shall be responsible for all planning functions for the department, including collection, analysis, and interpretation of all data, information, test results, evaluations, and other indicators that are used to formulate policy, identify areas of concern and need, and serve as the basis for short-range and long-range planning. Such planning shall include assembling data, conducting appropriate studies and surveys, and sponsoring research and development activities designed to provide information about educational needs and the effect of alternative educational practices.

(b) Each district school board shall maintain a continuing system of planning and budgeting which shall be designed to aid in identifying and meeting the educational needs of students and the public. Provision shall be made for coordination between district school boards and community college district boards of trustees concerning the planning for vocational and adult educational programs. The major emphasis of the system shall be upon locally determined goals and objectives, the state plan for education, and the *Sunshine State minimum performance Standards* developed by the Department of Education and adopted by the State Board of Education. The district planning and budgeting system must include consideration of student achievement data obtained pursuant to s. 229.57. The system shall be structured to meet the specific management needs of the district and to align the system of planning and budgeting shall ensure that the budget adopted by the district school board with reflect the plan the board has also adopted. Each district school board shall utilize its system of planning and budgeting to emphasize a system of school-based management in which individual school centers become the principal planning units and eventually to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The commissioner shall develop and implement an integrated information system for educational management. The system must be designed to collect, via electronic transfer, all student and school performance data required to ascertain the degree to which schools and school districts are meeting state performance standards, and must be capable of producing data for a comprehensive annual report on school and district performance. The system must also include demographic information and curriculum frameworks for each public school to the extent that successful curricula may be delineated from inadequate curricula as related to particular populations of students. In addition, the system shall support, as feasible, the management decisions to be made in each division of the department and at the individual school and district levels. Similar data elements among divisions and levels shall be compatible. The system shall be based on an overall conceptual design; the information needed for such decisions, including fiscal, student, program, personnel, facility, community, evaluation, and other relevant data; and the relationship between cost and effectiveness. The system shall be managed and administered by the commissioner and shall include a district subsystem component to be administered at the district level, with input from the reports-and-forms control management committees. Each district school system with a unique management information system shall assure that compatibility exists between its unique system and the district component of the state system so to the extent that all data required as input to the state system is shall be made available via electronic transfer and in the appropriate input format.

(a) The specific responsibilities of the commissioner shall include:

1. Consulting with school district representatives in the development of the system design model and implementation plans for the management information system for public school education management;

2. Providing operational definitions for the proposed system;

3. Determining the information and specific data elements required for the management decisions made at each educational level, recognizing that the primary unit for information input is shall be the individual school and recognizing that time and effort of instructional personnel expended in collection and compilation of data should be minimized;

4. Developing standardized terminology and procedures to be followed at all levels of the system;

5. Developing a standard transmittal format to be used for collection of data from the various levels of the system;

6. Developing appropriate computer programs to assure integration of the various information components dealing with students, personnel, facilities, fiscal, program, community, and evaluation data;

7. Developing the necessary programs to provide statistical analysis of the integrated data provided in subparagraph 6. in such a way that required reports may be disseminated, comparisons may be made, and relationships may be determined in order to provide the necessary information for making management decisions at all levels;

8. Developing output report formats which will provide district school systems with information for making management decisions at the various educational levels;

9. Developing a phased plan for distributing computer services equitably among all public schools and school districts in ~~the~~ this state as rapidly as possible. The plan shall describe alternatives available to the state in providing such computing services and shall contain estimates of the cost of each alternative, together with a recommendation for action. In developing ~~the~~ such plan, the feasibility of shared use of computing hardware and software by school districts, community colleges, and universities shall be examined. Laws or administrative rules regulating procurement of data processing equipment, communication services, or data processing services by state agencies shall not be construed to apply to local agencies which share computing facilities with state agencies;

10. Assisting the district school systems in establishing their subsystem components and assuring compatibility with current district systems;

11. Establishing procedures for continuous evaluation of system efficiency and effectiveness;

12. Initiating a reports-management and forms-management system to ascertain that duplication in collection of data does not exist and that forms and reports for reporting under state and federal requirements and other forms and reports are prepared in a logical and uncomplicated format, resulting in a reduction in the number and complexity of required reports, particularly at the school level; and

13. Initiating such other actions as are necessary to carry out the intent of the Legislature that a management information system for public school management needs be implemented. Such other actions shall be based on criteria including, but not limited to:

- a. The purpose of the reporting requirement;
- b. The origination of the reporting requirement;
- c. The date of origin of the reporting requirement; and
- d. The date of repeal of the reporting requirement.

(b) The specific responsibilities of each district school system shall include:

1. Establishing, at the district level, a reports-control and forms-control management system committee composed of school administrators and classroom teachers. The district school board shall appoint school administrator members and classroom teacher members; or, in school districts where appropriate, the classroom teacher members shall be appointed by the bargaining agent. Teachers shall constitute a majority of the committee membership. The committee shall periodically recommend procedures to the district school board for eliminating, reducing, revising, and consolidating paperwork and data collection requirements and shall submit to the district school board an annual report of its findings.

2. With assistance from the commissioner, developing systems compatibility between the state management information system and unique local systems.

3. Providing, with the assistance of the department, inservice training dealing with management information system purposes and scope, a method of transmitting input data, and the use of output report information.

4. Establishing a plan for continuous review and evaluation of local management information system needs and procedures.

5. Advising the commissioner of all district management information needs.

6. Transmitting required data input elements to the appropriate processing locations in accordance with guidelines established by the commissioner.

7. Determining required reports, comparisons, and relationships to be provided to district school systems by the system output reports, continuously reviewing these reports for usefulness and meaningfulness, and submitting recommended additions, deletions, and change requirements in accordance with the guidelines established by the commissioner.

8. Being responsible for the accuracy of all data elements transmitted to the department.

(c) It is the intent of the Legislature that the expertise in the state system of public education, as well as contracted services, be utilized to hasten the plan for full implementation of a comprehensive management information system.

Section 5. Subsection (1) of section 229.565, Florida Statutes, is amended to read:

229.565 Educational evaluation procedures.—

(1) STUDENT PERFORMANCE STANDARDS.—

(a) The State Board of Education shall approve student performance standards in *key academic subject areas and the various program categories and chronological grade levels which the Commissioner of Education designates as necessary for maintaining a good educational system.* The standards must apply, without limitation, to language arts, mathematics, science, social studies, the arts, health and physical education, foreign language, reading, writing, history, government, geography, economics, and computer literacy. The commissioner shall obtain opinions and advice from citizens, educators, and members of the business community in developing the standards. For purposes of this section, the term "student performance standard" means a statement describing a skill or competency students are expected to learn.

(b) The student performance standards must address the skills and competencies that a student must learn in order to graduate from high school. The commissioner shall also develop performance standards for students who learn a higher level of skills and competencies.

Section 6. Section 229.57, Florida Statutes, 1998 Supplement, is amended to read:

229.57 Student assessment program.—

(1) PURPOSE.—The primary ~~purposes~~ purpose of the statewide assessment program ~~are is~~ to provide information needed to improve ~~for the improvement of~~ the public schools by maximizing the learning gains of all students and to inform parents of the educational progress of their public school children. The program must be designed to:

(a) Assess the annual learning gains of each student toward achieving the Sunshine State Standards appropriate for the student's grade level.

(b) Provide data for making decisions regarding school improvement, accountability, recognition, and necessary support.

(c)(a) Identify the educational strengths and needs of students and the readiness of students to be promoted to the next grade level or to graduate from high school with a standard high school diploma.

(d)(b) Assess how well educational goals and performance standards are met at the school, district, and state levels.

(e)(e) Provide information to aid in the evaluation and development of educational programs and policies.

(f) Provide information on the performance of Florida students compared with others across the United States.

(2) ANNUAL PUPIL PROGRESS ASSESSMENT.—The Department of Education shall develop a statistical assessment tool for measuring pupil progress during a school year which shall be used for the purposes of this act. As used in this subsection, "pupil progress assessment" means a statistical system for educational outcome assessment which:

(a) Uses measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which distributions:

1. Shall be determined using available data from the FCAT, and other data collection as deemed appropriate by the Department of Education, to measure the differences in student prior year achievement against the current year achievement or lack thereof, such that the "effects" of instruction to a student by a teacher, school, and school district may be estimated on a per-student and constant basis.

2. Shall, to the extent possible, be able to be expressed in linear scales such that the effects of ceiling and floor dispersions are minimized.

(b) Shall provide for mixed model methodologies that provide for best linear unbiased prediction for the teacher, school, and school district effects on pupil progress. These estimates should adequately be able to determine effects of and compare teachers who teach multiple subjects to the same groups of students, and team teaching situations where teachers teach a single subject to multiple groups of students, or other teaching situations as appropriate:

1. The department in consult with the Office of Program and Policy Analysis, and other sources as appropriate, shall use recognized mixed linear model approaches to statistical variance and estimating random effects.

2. The mixed model methodology used by the department shall be approved by the State Board of Education before implementation in pupil progression assessment.

(3)(2) NATIONAL EDUCATION COMPARISONS.—It is Florida's intent to participate in the measurement of national educational goals set by the President and governors of the United States. The Commissioner of Education is directed to provide for school districts to participate in the administration of the National Assessment of Educational Progress, or a similar national assessment program, both for the national sample and for any state-by-state comparison programs which may be initiated. Such assessments must be conducted using the data collection procedures, the student surveys, the educator surveys, and other instruments included in the National Assessment of Educational Progress or a similar program. The results of these assessments shall be included in the annual report of the Commissioner of Education specified in this section. The administration of the National Assessment of Educational Progress or a similar program shall be in addition to and separate from the administration of the statewide assessment program otherwise described in this section.

(4)(3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall ~~is directed to~~ design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools. ~~The program must be designed, as far as possible, so as not to conflict with ongoing district assessment programs and so as to use information obtained from district programs.~~ Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the state board a list that specifies student skills and competencies to which the goals for education specified in the state plan apply, including, but not limited to, reading, writing, science, and mathematics. The skills and competencies must include problem-solving and higher-order skills as appropriate and shall be known as the *Sunshine State Standards*. The commissioner shall select such skills and competencies after receiving recommendations from educators, citizens, and members of the business community. The commissioner shall submit to the state board revisions to the list of student skills and competencies

in order to maintain continuous progress toward improvements in student proficiency.

(b) Develop and implement a uniform system of indicators to describe the performance of public school students and the characteristics of the public school districts and the public schools. These indicators must include, without limitation, information gathered by the comprehensive management information system created pursuant to s. 229.555 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program as part of the statewide assessment program, to be administered ~~annually in grades 3 through 10 at designated times at the elementary, middle, and high school levels~~ to measure reading, writing, science, and mathematics. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the state board as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, and mathematics. *Science proficiency must be measured statewide beginning in 2003.* Other content areas may be included as directed by the commissioner. The commissioner shall provide for the tests to be developed or obtained, as appropriate, through contracts and project agreements with private vendors, public vendors, public agencies, postsecondary institutions, or school districts. The commissioner shall obtain input with respect to the design and implementation of the testing program from state educators and the public.

2. The tests are a combination of norm-referenced and criterion-referenced and include, to the extent determined by the commissioner, items that require the student to produce information or perform tasks in such a way that the skills and competencies he or she uses can be measured.

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

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

5. *Except as provided in subparagraph 6.,* all 11th grade students take a high school competency test developed by the state board to test minimum student performance skills and competencies in reading, writing, science, and mathematics. The test must be based on the skills and competencies adopted by the state board pursuant to paragraph (a). Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the high school competency test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students. The commissioner may establish criteria whereby a student who successfully demonstrates proficiency in either reading or mathematics or both may be exempted from taking the corresponding section of the high school competency test or the college placement test. A student must earn a passing score or have been exempted from each part of the high school competency test in order to qualify for a regular high school diploma. The school districts shall provide appropriate remedial instruction to students who do not pass part of the competency test.

6. *Students who enroll in grade 9 in the fall of 1999 and thereafter must earn a passing score on the grade 10 assessment test described in this paragraph instead of the high school competency test described in subparagraph 5. Such students must earn a passing score in reading, writing, and mathematics to qualify for a regular high school diploma. Upon recommendation of the commissioner, the state board shall designate a passing score for each part of the grade 10 assessment test. In establishing passing scores, the state board shall consider any possible negative impact of the test on minority students.*

7. Participation in the testing program is mandatory for all students, except as otherwise prescribed by the commissioner. The commissioner shall recommend rules to the state board for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.

8.7. A student seeking an adult high school diploma must meet the same testing requirements that a regular high school student must meet.

9. School districts must provide instruction to prepare students to demonstrate proficiency in the skills and competencies necessary for successful grade-to-grade progression and high school graduation. The commissioner shall conduct studies as necessary to verify that the required skills and competencies are part of the district instructional programs.

The commissioner may design and implement student testing programs for any grade level and subject area, based on procedures designated by the commissioner to monitor educational achievement in the state.

~~(d)~~ Obtain or develop a career planning assessment to be administered to students, at their option, in grades 7 and 10 to assist them in preparing for further education or entering the workforce. The statewide student assessment program must include career planning assessment.

~~(d)(e)~~ Conduct ongoing research to develop improved methods of assessing student performance, including, without limitation, the use of technology to administer tests, the use of electronic transfer of data, the development of work-product assessments, and the development of process assessments.

~~(e)(f)~~ Conduct ongoing research and analysis of student achievement data, including, without limitation, monitoring trends in student achievement, identifying school programs that are successful, and analyzing correlates of school achievement.

~~(f)(g)~~ Provide technical assistance to school districts in the implementation of state and district testing programs and the use of the data produced pursuant to such programs.

~~(5)(4)~~ DISTRICT TESTING PROGRAMS.—Each district shall periodically assess student performance and achievement within each school of the district. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. All school districts must participate in the state assessment program designed to measure annual student learning and school performance. All school districts shall report assessment results as required by the management information system. ~~In grades 4 and 8, each district shall administer a nationally normed achievement test selected from a list approved by the state board; the data resulting from these tests must be provided to the Department of Education according to procedures specified by the commissioner. The commissioner may request achievement data for other grade levels as necessary.~~

~~(6)(5)~~ SCHOOL TESTING PROGRAMS.—Each public school, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate, shall participate in the state assessment program. Student performance data shall be analyzed using measurement tools as directed pursuant to subsection (2) and reported to parents, the community, and the state. Student performance data shall be used in developing objectives of the school improvement plan, evaluation of instructional personnel, evaluation of administrative personnel, assignment of staff, allocation of resources, acquisition of instructional materials and technology, performance-based budgeting, and promotion and assignment of students into educational programs administering an achievement test, whether at the elementary, middle, or high school level, and each public school administering the high school competency test, shall prepare an analysis of the resultant data after each administration. The analysis of student performance data also must identify strengths and needs in the educational program and trends over time. The analysis must be used in conjunction with the budgetary planning processes developed pursuant to s. 229.555 and the development of the programs of remediation described in s. 233.051.

~~(7)(6)~~ ANNUAL REPORTS.—The commissioner shall prepare annual reports of the results of the statewide assessment program which describe student achievement in the state, each district, and each school. The commissioner shall prescribe the design and content of these reports, which must include, without limitation, descriptions of the performance of all schools participating in the assessment program and of all of their major student populations as determined by the Commissioner of Education, and must also include the median scores of all eligible students who scored at or in the lowest 25th percentile of the state in the previous school year, provided, however, that the provisions of s. 228.093

~~pertaining to student records apply to this section students at both low levels and exemplary levels, as well as the performance of students scoring in the middle 50 percent of the test population. Until such time as annual assessments prescribed in this section are fully implemented, annual reports shall include student performance data based on existing assessments.~~

~~(8) SCHOOL PERFORMANCE GRADE CATEGORIES.—Beginning with the 1998-1999 school year's student and school performance data, the annual report shall identify schools as being in one of the following grade categories defined according to rules of the state board:~~

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

~~(9) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.—School performance grade category designations itemized in subsection (8) shall be based on the following:~~

- ~~(a) Timeframes.—~~

~~1. School performance grade category designations shall be based on one school year of performance.~~

~~2. In school years 1998-1999 and 1999-2000, a school's performance grade category designation shall be determined by the student achievement levels on the FCAT, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, and student readiness for college, in accordance with state board rule.~~

~~3. Beginning with the 2000-2001 school year, a school's performance grade category designation shall be based on a combination of student achievement scores as measured by the FCAT, on the degree of measured learning gains of the students, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, cohort graduation rate, and student readiness for college.~~

~~4. Beginning with the 2001-2002 school year and thereafter, a school's performance grade category designation shall be based on student learning gains as measured by annual FCAT assessments in grades 3 through 10, and on other appropriate performance data, including, but not limited to, attendance, dropout rate, school discipline data, the availability of adequate and appropriate textbooks and instructional materials for each student, and student readiness for college.~~

~~For the purpose of implementing ss. 229.0535 and 229.0537, each school identified as critically low performing based on both 1996-1997 and 1997-1998 school performance data and state board-adopted criteria relative to those 2 years, and that receives a performance grade category designation of "F" based on 1998-1999 school performance data pursuant to this section, shall be considered as having failed to make adequate progress for 2 years in a 4-year period. All other schools that receive a performance grade category designation of "F" based on 1998-1999 school performance data shall be considered as having failed to make adequate progress for 1 year.~~

~~(b) Student assessment data.—Student assessment data used in determining school performance grade categories shall include:~~

- ~~1. The median scores of all eligible students enrolled in the school.~~
- ~~2. The median scores of all eligible students enrolled in the school who have scored at or in the lowest 25th percentile of the state in the previous school year.~~

~~The state board shall adopt appropriate criteria for each school performance grade category so as to ensure that school performance grade category designations reflect each school's accountability for the learning of all students in the school. The criteria must also give added weight to student achievement in reading. Schools designated as performance grade category "C," making satisfactory progress, shall be required to demonstrate that adequate progress has been made by students who have~~

scored among the lowest 25 percent of students in the state as well as by the overall population of students in the school.

(10) *SCHOOL IMPROVEMENT RATINGS.*—Beginning with the 1999-2000 school year's student and school performance data, the annual report shall identify each school's performance as having improved, remained the same, or declined. This school improvement rating shall be based on a comparison of the current year's and previous year's student and school performance data. Schools that improve at least one performance grade category are eligible for school recognition awards pursuant to s. 231.2905.

(11) *SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT RATING REPORTS.*—School performance grade category designations and improvement ratings shall apply to each school's performance for the year in which performance is measured. Each school's designation and rating shall be published annually by the Department of Education and the school district. Parents and guardians shall be entitled to an easy-to-read report card about the designation and rating of the school in which their child is enrolled.

(12) *STATEWIDE ASSESSMENTS.*—The Department of Education is authorized, subject to appropriation, to negotiate a multi-year contract for the development, field testing, and implementation of annual assessments of students in grades 3 through 10. Such assessments must comply with the following criteria:

(a) Assessments for each grade level shall be capable of measuring each student's mastery of the Sunshine State Standards for that grade level and above.

(b) Assessments shall be capable of measuring the annual progress each student makes in mastering the Sunshine State Standards.

(c) Assessments shall include measures in reading and mathematics in each grade level and must include writing and science in grades 4, 8, and 10. Science assessment is to begin statewide in 2003.

(d) Assessments shall include a norm-referenced subtest that allows for comparisons of Florida students with the performance of students nationally.

(e) The annual testing program shall be administered to provide for valid statewide comparisons of learning gains to be made for purposes of accountability and recognition. Annual assessments that do not contain performance items shall be administered no earlier than March of each school year, with results being returned to schools prior to the end of the academic year. Subtests that contain performance items may be given earlier than March, provided that the remaining subtests are sufficient to provide valid data on comparisons of student learning from year to year. The time of administration shall be aligned such that a comparable amount of instructional time is measured in all school districts. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(f) Assessments shall be implemented statewide no later than the spring of the 2000-2001 school year.

(13) *LOCAL ASSESSMENTS.*—Measurement of the learning gains of students in all subjects other than subjects required for the state assessment program is the responsibility of the school districts.

(14)(7) *APPLICABILITY OF TESTING STANDARDS.*—A student must meet the testing requirements for high school graduation which were in effect at the time the student entered 9th grade, provided the student's enrollment was continuous.

(15)(8) *RULES.*—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 as necessary to implement the provisions of this section.

(16) *PERFORMANCE-BASED FUNDING.*—The Legislature may factor-in the performance of schools in calculating any performance-based-funding policy that is provided for in the annual General Appropriations Act.

Section 7. Section 229.58, Florida Statutes, 1998 Supplement, is amended to read:

229.58 District and school advisory councils.—

(1) ESTABLISHMENT.—

(a) The school board shall establish an advisory council for each school in the district, and shall develop procedures for the election and appointment of advisory council members. Each school advisory council shall include in its name the words "school advisory council." The school advisory council shall be the sole body responsible for final decisionmaking at the school relating to implementation of the provisions of ss. 229.591, 229.592, and 230.23(16). A majority of the members of each school advisory council must be persons who are not employed by the school. Each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. School advisory councils of vocational-technical and adult education centers are not required to include parents as members. Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner as follows:

1. Teachers shall be elected by teachers.
2. Education support employees shall be elected by education support employees.
3. Students shall be elected by students.
4. Parents shall be elected by parents.

The school board shall establish procedures for use by schools in selecting business and community members. Such procedures shall include means of ensuring wide notice of vacancies and for taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The school board shall review the membership composition of each advisory council. Should the school board determine that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the board shall appoint additional members to achieve proper representation. The ~~Commissioner of Florida~~ ~~Commission on Education Reform and Accountability~~ shall serve as a review body to determine if schools have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools should be strongly encouraged to establish school advisory councils, any school district that has a student population of 10,000 or fewer may establish a district advisory council which shall include at least one duly elected teacher from each school in the district. For the purposes of school advisory councils and district advisory councils, the term "teacher" shall include classroom teachers, certified student services personnel, and media specialists. For purposes of this paragraph, "education support employee" means any person employed by a school who is not defined as instructional or administrative personnel pursuant to s. 228.041 and whose duties require 20 or more hours in each normal working week.

(b) The school board may establish a district advisory council representative of the district and composed of teachers, students, parents, and other citizens or a district advisory council which may be comprised of representatives of each school advisory council. Recognized schoolwide support groups which meet all criteria established by law or rule may function as school advisory councils.

(2) DUTIES.—

(a) Each advisory council shall perform such functions as are prescribed by regulations of the school board; however, no advisory council shall have any of the powers and duties now reserved by law to the school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 230.23(16). By the 1999-2000 academic year, with technical assistance from the Department of Education, each school advisory council shall assist in the preparation of the school's annual budget and plan as required by s. 229.555(1). A portion of funds provided in the annual General Appropriations Act for use by school advisory councils must be used for implementing the school improvement plan.

(b) *By May of each year, each school advisory council may submit to the Department of Education a letter offering its evaluation of their school's progress toward implementing school improvement plans and its performance in general. These letters of evaluation shall be considered and given due weight by the department when assigning performance grades pursuant to s. 229.57(9).*

Section 8. Section 229.591, Florida Statutes, 1998 Supplement, is amended to read:

229.591 Comprehensive revision of Florida's system of school improvement and education accountability.—

(1) INTENT.—The Legislature recognizes that the children and youth of the state are its future and its most precious resource. To provide these developing citizens with the sound education needed to grow to a satisfying and productive adulthood, the Legislature intends that, ~~by the year 2000,~~ Florida establish a system of school improvement and education accountability based on the performance of students and educational programs. The intent of the Legislature is to provide clear guidelines for achieving this purpose and for returning the responsibility for education to those closest to the students, ~~their~~ ~~that is the~~ schools, teachers, and parents. The Legislature recognizes, however, its ultimate responsibility and that of the Governor, the Commissioner of Education, and the State Board of Education and other state policymaking bodies in providing the strong leadership needed to forge a new concept of school improvement and in making adequate ~~provision by law~~ ~~provisions~~ for a uniform, *efficient, safe, secure, and high-quality* system of free public schools as required by s. 1, Art. IX of the State Constitution. It is further the intent of the Legislature to build upon the foundation established by the Educational Accountability Act of 1976 and to implement a program of education accountability and school improvement based upon the achievement of state goals, recognizing the State Board of Education as the body corporate responsible for the supervision of the system of public education, the district school board as responsible for school and student performance, and the individual school as the unit for education accountability.

(2) REQUIREMENTS.—Florida's system for school improvement and education accountability shall:

- (a) Establish state and local educational goals.
- (b) Increase the use of educational outcomes over educational processes in assessing educational programs.
- (c) Redirect state fiscal and human resources to assist school districts and schools to meet state and local goals for student success in school and in later life.
- (d) Provide methods for measuring, and public reporting of, state, school district, and individual school progress toward the education goals.
- (e) Recognize successful schools.
- (f) ~~Provide for~~ ~~Ensure that unsuccessful~~ ~~schools designated as performance grade category "D" or "F" to receive~~ ~~are provided~~ assistance and intervention ~~sufficient to attain adequate~~ ~~such that~~ improvement ~~occurs,~~ and ~~provide further ensure that~~ action that should occur when schools do not improve.
- (g) *Ensure that every preventive measure, as provided by law, is utilized to correct inadequacies in schools that are in danger of being designated in performance grade category "F," failing to make adequate progress, as defined in state board rule, or are on probation as defined in s. 229.0535, and to ensure that adequate levels of performance are maintained at higher performing schools.*

(3) EDUCATION GOALS.—The state as a whole shall work toward the following goals:

- (a) Readiness to start school.—Communities and schools collaborate in a statewide comprehensive school readiness program to prepare children and families for children's success in school.
- (b) Graduation rate and readiness for postsecondary education and employment.—Students graduate and are prepared to enter the workforce and postsecondary education.

(c) Student performance.—*Students make annual learning gains, as determined pursuant to s. 229.59(2), sufficient to acquire the knowledge, skills, and competencies needed to master state standards, successfully compete at the highest levels nationally and internationally, and be prepared to make well-reasoned, thoughtful, and healthy lifelong decisions.*

(d) Learning environment.—*School boards provide a learning environment conducive to teaching and learning, in which education programs are based on student performance data, and which strive to eliminate achievement gaps by improving the learning of all students.*

(e) School safety and environment.—*Communities and schools provide an environment that is drug-free and protects students' health, safety, and civil rights.*

(f) Teachers and staff.—*The schools, district, all postsecondary institutions, and state work collaboratively to provide ensure professional teachers and staff who possess the competencies and demonstrate the performance needed to maximize learning among all students.*

(g) Adult literacy.—*Adult Floridians are literate and have the knowledge and skills needed to compete in a global economy, prepare their children for success in school, and exercise the rights and responsibilities of citizenship.*

(h) Parental involvement.—*Communities, school boards, and schools provide opportunities for involving parents and guardians as active partners in achieving school improvement and education accountability. The State Board of Education shall adopt standards for indicating progress toward this state education goal by January 1, 1997.*

Section 9. Section 229.592, Florida Statutes, 1998 Supplement, is amended to read:

229.592 Implementation of state system of school improvement and education accountability.—

(1) DEVELOPMENT.—It is the intent of the Legislature that every public school in the state shall have a school improvement plan, as required by s. 230.23(16), fully implemented and operational ~~by the beginning of the 1993-1994 school year.~~ Vocational standards considered pursuant to s. 239.229 shall be incorporated into the school improvement plan for each area technical center operated by a school board ~~by the 1994-1995 school year,~~ and area technical centers shall prepare school report cards incorporating such standards, pursuant to s. 230.23(16), ~~for the 1995-1996 school year.~~ In order to accomplish this, the Florida Commission on Education Reform and Accountability and the school districts and schools shall carry out the duties assigned to them by ss. 229.594 and 230.23(16), respectively.

(2) ESTABLISHMENT.—Based upon the recommendations of the Florida Commission on Education Reform and Accountability, the Legislature may enact such laws as it considers necessary to establish and maintain a state system of school improvement and accountability. If, after considering the recommendations of the commission, the Legislature determines an adequate system of accountability to be in place to protect the public interest, the Legislature may repeal or revise laws, including fiscal policies, deemed to stand in the way of school improvement.

(3) COMMISSIONER.—The commissioner shall be responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, *which shall include policies and programs based on the recommendations of the Florida Commission on Education Reform and Accountability.*

~~(a) Based on the recommendations of The Florida Commission on Education Reform and Accountability,~~ The commissioner shall develop and implement the following programs and procedures:

- ~~(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this paragraph~~ ~~subparagraph~~ shall be distributed to the appropriate school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

(b)2- A program of school improvement that will analyze information to identify schools, educational programs, or educational activities in need of improvement.

(c)3- A method of delivering services to assist school districts and schools to improve.

(d)4- A method of coordinating with the state educational goals and school improvement plans any other state program that creates incentives for school improvement.

(4)(b) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this ~~section~~ subsection. There shall be an annual determination of whether adequate progress is being made toward implementing and maintaining a system of school improvement and education accountability.

(5)(e) The annual feedback report shall be developed by the commissioner and the Department of Education.

(6)(d) The commissioner and the commission shall review each school board's feedback report and submit its findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.

~~(7)(e) As co chair of the Florida Commission on Education Reform and Accountability, The commissioner shall appear before the appropriate committees of the Legislature annually in October to report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report shall reflect the recommendations of the Florida Commission on Education Reform and Accountability. Included in the report shall be a list of the schools for which school boards have developed assistance and intervention plans and an analysis of the various strategies used by the school boards. School reports shall be distributed pursuant to this paragraph and s. 230.23(16)(e) according to guidelines adopted by the State Board of Education.~~

(8)(4) DEPARTMENT.—

(a) The Department of Education shall implement a training program to develop among state and district educators a cadre of facilitators of school improvement. These facilitators shall assist schools and districts to conduct needs assessments and develop and implement school improvement plans to meet state goals.

(b) Upon request, the department shall provide technical assistance and training to any school, school advisory council, district, or school board for conducting needs assessments, developing and implementing school improvement plans, developing and implementing assistance and intervention plans, or implementing other components of school improvement and accountability. Priority for these services shall be given to *schools designated as performance grade category "D" or "F" and school districts in rural and sparsely populated areas of the state.*

(c) Pursuant to s. 24.121(5)(d), the department shall not release funds from the Educational Enhancement Trust Fund to any district in which a school does not have an approved school improvement plan, pursuant to s. 230.23(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). The department shall send a technical assistance team to each school without an approved plan to develop such school improvement plan or to each school without appropriate school advisory council membership composition to develop a strategy for corrective action. The department shall release the funds upon approval of the plan or upon establishment of a plan of corrective action. Notice shall be given to the public of the department's intervention and shall identify each school without a plan or without appropriate school advisory council membership composition.

(9) *LOW PERFORMING SCHOOLS INTERVENTION FUNDS.—*

(a) *The department is authorized to allocate and distribute to each district with schools under probationary status pursuant to s. 229.0535*

an amount as prescribed annually by the Legislature for improvement funds for those schools. The allocation shall be one-sixth of the product determined by multiplying the base student allocation times the weighted full-time equivalent student membership for these schools times the district cost differential.

(b) The funds shall be used only for those schools under probationary status and may be used for student performance improvement purposes including, but not limited to, student remediation activities, teacher training, class size reduction or extended school year.

(c) Before intervention funds are released to any district, that district must submit a school improvement plan specific to the school or schools for which the funds will be used and detailing how said funds will be utilized to implement the plan.

(10)(5) STATE BOARD.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to implement a state system of school improvement and education accountability and shall specify required annual reports by schools and school districts. Such rules must be based on recommendations of the Commission on Education Reform and Accountability and must include, but need not be limited to, a requirement that each school report identify the annual Education Enhancement Trust Fund allocations to the district and the school and how those allocations were used for educational enhancement and supporting school improvement.

(11)(6) EXCEPTIONS TO LAW.—To facilitate innovative practices and to allow local selection of educational methods, the commissioner may waive, upon the request of a school board, requirements of chapters 230 through 239 of the Florida School Code that relate to instruction and school operations, except those pertaining to civil rights, and student health, safety, and welfare. The Commissioner of Education is not authorized to grant waivers for any provisions of law pertaining to the allocation and appropriation of state and local funds for public education; the election, compensation, and organization of school board members and superintendents; graduation and state accountability standards; financial reporting requirements; public meetings; public records; or due process hearings governed by chapter 120. Prior to approval, the commissioner shall report pending waiver requests to the state board on a monthly basis, and shall, upon request of any state board member, bring a waiver request to the state board for consideration. If, within 2 weeks of receiving the report, no member requests that a waiver be considered by the state board, the commissioner may act on the original waiver request. No later than January 1 of each year, the commissioner shall report to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives all approved waiver requests in the preceding year.

(a) Graduation requirements in s. 232.246 must be met by demonstrating performance of intended outcomes for any course in the Course Code Directory unless a waiver is approved by the commissioner. In developing procedures for awarding credits based on performance outcomes, districts may request waivers from State Board of Education rules relating to curriculum frameworks and credits for courses and programs in the Course Code Directory. Credit awarded for a course or program beyond that allowed by the Course Code Directory counts as credit for electives. Upon request by any school district, the commissioner shall evaluate and establish procedures for variations in academic credits awarded toward graduation by a high school offering six periods per day compared to those awarded by high schools operating on other schedules.

1. A school board may originate a request for waiver and submit the request to the commissioner if such a waiver is required to implement districtwide improvements.

2. A school board may submit a request to the commissioner for a waiver if such request is presented to the school board by a school advisory council established pursuant to s. 229.58 and if such a waiver is required to implement a school improvement plan required by s. 230.23(16). The school board shall report annually to the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to ~~this section subsection (3)~~, the number of waivers requested by school advisory councils, the number of such waiver requests approved and submitted to the commissioner, and the number of such waiver requests not approved and not submitted to the commissioner. For each waiver request not approved, the school

board shall report the statute or rule for which the waiver was requested, the rationale for the school advisory council request, and the reason the request was not approved.

3. When approved by the commissioner, a waiver requested under this paragraph is effective for a 5-year period.

(b) Notwithstanding the provisions of chapter 120 and for the purpose of implementing this subsection, the commissioner may waive State Board of Education rules if the school board has submitted a written request to the commissioner for approval pursuant to this subsection.

(c) The written request for waiver of statute or rule must indicate at least how ~~the general statutory purpose will be met, how~~ granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted by the state board pursuant to subsection (5), and how student improvement will be evaluated and reported. ~~In considering any waiver,~~ The commissioner shall *not grant any waiver that would impair the ensure* protection of the health, safety, welfare, ~~or and~~ civil rights of the students ~~or the and~~ protection of the public interest.

(d) Upon denying a request for a waiver, the commissioner must state with particularity the grounds or basis for the denial. The commissioner shall report the specific statutes and rules for which waivers are requested and the number and disposition of such requests to the *Legislature and the State Board of Education and the Florida Commission on Education Reform and Accountability* for use in determining which statutes and rules stand in the way of school improvement.

(e)1. Schools designated in performance grade category "A," making excellent progress, shall, if requested by the school, be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

2. Schools that have improved at least two performance grade categories and that meet the criteria of the Florida School Recognition Program pursuant to s. 231.2905 may be given deregulated status as specified in s. 228.0565(5), (7), (8), (9), and (10).

Section 10. Effective July 1, 1999, section 229.5925, Florida Statutes, is created to read:

229.5925 Educational Care Teams.—

(1) The State Board of Education shall appoint educational care teams for the purpose of providing voluntary assistance to school districts with schools having low performance grade status pursuant to s. 229.57. It is the intention of the Legislature that educational care teams be able to:

(a) Investigate and isolate the causes of low performance, including, but not limited to, administrative and instructional staffing, staff development and training, budget prioritization, curriculum, physical environment, and student socio-economic, health, and safety issues;

(b) Prepare a written evaluation and report of its findings; and

(c) Make nonbinding recommendations to the school board for improvements in performance at the low performing school.

(2) APPOINTMENTS.—

(a) Each educational care team shall consist of seven members appointed by the State Board of Education upon recommendation of the Commissioner of Education and the Commission on Education Reform and Accountability. A method for making such appointments shall be determined by state board rule.

(b) At a minimum, each appointee shall have or have had experience and success as a principal, teacher, school administrator, or child or school psychologist. To the extent possible, each team shall have each of the minimum qualifications represented by its appointees as listed in this paragraph. Consideration shall also be given to the gender and racial composition of each team.

(c) The state board shall appoint four teams to serve four demographic regions of the state as shall be determined by the board. The board is encouraged to draw each team member from the region in which he or she resides.

(d) The Commissioner of Education is authorized to provide training, research, and resources to the educational care teams as necessary to carry out their duties.

(3) DISTRICT APPLICATION FOR EDUCATIONAL CARE TEAM ASSISTANCE.—

(a) Any school district may, but is not required to, seek the assistance of an educational care team for a low performing school under the following circumstances:

1. The low performing school received a performance grade category "F" pursuant to s. 229.57 the year immediately preceding the time that application for assistance is made; or

2. The low performing school has consistently received a performance grade category "D" or worse pursuant to s. 229.57 over a period of time to be determined by state board rule.

(b) A school district may seek to contract for, and the state board may approve, assistance from an educational care team for schools of performance category "C" pursuant to s. 229.57 when the school is unable to show significant academic progress of the lower quartile of students on statewide assessments. This option shall be granted at the discretion of the board based on the availability of an educational care team, and other criteria for which the board may make rules.

(4) ASSIGNMENT OF EDUCATIONAL CARE TEAMS.—

(a) If a district application for assistance of an educational care team at a low performing school as described in this section is approved by the state board, the board shall assign the team within the region in which the district is located to the school considering the following:

1. Care teams will be assigned and scheduled according to date order of board approval. District applications for educational care teams shall be considered in the order in which they are received.

2. Priority of assignment shall be given to schools with performance grade category "F" in situations where applications are granted to several districts simultaneously.

3. Districts may apply and gain approval for care teams no more than twice in one calendar year based on the date of first approval.

(b) Upon assignment to a school, the care team shall operate under the direction of the requesting school district at the school for which the assistance was requested. The care teams' duties shall be performed in the most expedient, but thorough, manner possible.

(5) REPORTS AND RECOMMENDATIONS.—

(a) Upon completion of its evaluation of the low performing school, the care team shall prepare a written report and recommendation to the local school board. Recommendations shall be nonbinding.

(b) A copy of the report and recommendation shall be furnished by the care team to the Department of Education and the Commission on Education Reform and Accountability.

(c) The school district shall make a written report to the state board and the Commission on Education Reform and Accountability specifying its intentions as to what actions it will take relative to the recommendations made by the assigned care team. The district's report shall be made in time as determined by state board rule.

Section 11. Subsection (5) of section 229.595, Florida Statutes, is amended to read:

229.595 Implementation of state system of education accountability for school-to-work transition.—

(5) Prior to each student's graduation from high school, the school shall ~~Any assessment required for student receipt of a high school diploma shall include items designed to assess the student's student~~ preparation to enter the workforce and provide the student and the student's parent or guardian with the results of such assessment. The Florida Commission on Education Reform and Accountability shall identify the employability skills associated with successful entry into the workforce from which such items shall be derived.

Section 12. Paragraphs (c) and (g) of subsection (5), paragraph (b) of subsection (7), and subsections (10), (16), (17), and (18) of section 230.23, Florida Statutes, 1998 Supplement, are amended to read:

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

(5) PERSONNEL.—Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees as follows, subject to the requirements of chapter 231:

(c) Compensation and salary schedules.—Adopt a salary schedule or salary schedules *designed to furnish incentives for improvement in training and for continued efficient service* to be used as a basis for paying all school employees, ~~such schedules to be arranged, insofar as practicable, so as to furnish incentive for improvement in training and for continued and efficient service~~ and fix and authorize the compensation of school employees on the basis ~~thereof~~ of such schedules. A district school board, in determining the salary schedule for instructional personnel, must base a portion of each employee's compensation on performance demonstrated under s. 231.29 and must consider the prior teaching experience of a person who has been designated state teacher of the year by any state in the United States. In developing the salary schedule, the school board shall seek input from parents, teachers, and representatives of the business community.

(g) Awards and incentives.—Provide for recognition of district employees, students, school volunteers, ~~and~~ or advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the superintendent, the board shall adopt rules establishing and regulating the meritorious service awards necessary for the efficient operation of the program. An award or incentive granted under this paragraph may not be considered in determining the salary schedules required by paragraph (c). Monetary awards shall be limited to persons who propose procedures or ideas ~~which are~~ adopted by the board ~~and~~ which will result in eliminating or reducing school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but ~~are~~ need not be limited to, certificates, plaques, medals, ribbons, and photographs. The school board ~~may is authorized to~~ expend funds for such recognition and awards. No award granted under ~~the provisions of~~ this paragraph shall exceed \$2,000 or 10 percent of the first year's gross savings, whichever is greater.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL AIDS.—Provide adequate instructional aids for all children as follows and in accordance with the requirements of chapter 233.

(b) Textbooks.—Provide for proper requisitioning, *equitable* distribution, accounting, storage, care, and use of all *instructional materials* ~~textbooks and other books~~ furnished by the state and furnish such other *instructional materials* ~~textbooks and library books~~ as may be needed. The school board is responsible for assuring that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks approved by the State Board of Education, as well as with the state and district performance standards provided for in ss. 229.565 and 232.2454.

1. *The district shall make every effort to ensure that every public school student within the district has a textbook or the appropriate instructional materials for each of their core courses. No distribution of instructional materials or allocation of instructional materials funds may be made by the school district to any school for the purpose of supplying additional sets of textbooks or instructional materials per student until such time as the district can be reasonably sure that all students in the district have been issued at least one set.*

2. *School districts are strongly encouraged to create and implement policies to address textbooks lost or destroyed by students.*

(10) FINANCE.—Take steps to assure *all* children adequate *and equitable* educational facilities through the financial procedure authorized in chapters 236 and 237 and as prescribed below:

(a) Provide for all schools to operate at least 180 days.—Provide for the operation of all public schools, both elementary and secondary, as free schools for a term of at least 180 days or the equivalent on an hourly

basis as specified by regulations of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for such minimum term; arrange for the levying of district school taxes necessary to provide the amount needed from district sources.

(b) Annual budget.—Cause to be prepared, adopt, and have submitted to the Department of Education as required by law and by regulations of the state board, the annual school budget, such budget to be so prepared and executed as to promote the improvement of the district school system.

(c) Tax levies.—Adopt and spread on its minutes a resolution fixing the district school tax levy, provided for under s. 9, Art. VII of the State Constitution, necessary to carry on the school program adopted for the district for the next ensuing fiscal year as required by law, and fixing the district bond interest and sinking fund tax levy necessary for districts against which bonds are outstanding; adopt and spread on its minutes a resolution suggesting the tax levy provided for in s. 9, Art. VII of the State Constitution, found necessary to carry on the school program adopted for the district for the next ensuing fiscal year.

(d) School funds.—Require that an accurate account is kept of all funds which should be transmitted to the school board for school purposes at various periods during the year from all sources and, if any funds are not transmitted promptly, take the necessary steps to have such funds made available.

(e) Borrow money.—Borrow money, as prescribed in ss. 237.141-237.171, when necessary in anticipation of funds reasonably to be expected during the year as shown by the budget.

(f) Financial records and accounts.—Provide for keeping of accurate records of all financial transactions.

(g) Approval and payment of accounts.—Implement a system of accounting and budgetary control to ensure that payments do not exceed amounts budgeted, as required by law; make available all records for proper audit by state officials; and have prepared required periodic statements to be filed with the Department of Education as provided by rules of the state board.

(h) Bonds of employees.—Fix and prescribe the bonds, and pay the premium on all such bonds, of all school employees who are responsible for school funds in order to provide reasonable safeguards for all such funds or property.

(i) Contracts for materials, supplies, and services.—Contract for materials, supplies, and services needed for the district school system. No contract for supplying these needs shall be made with any member of the school board, with the superintendent, or with any business organization in which any school board member or the superintendent has any financial interest whatsoever.

(j) Purchasing regulations to be secured from Department of Management Services.—Secure purchasing regulations and amendments and changes thereto from the Department of Management Services and prior to any purchase have reported to it by its staff, and give consideration to the lowest price available to it under such regulations, provided a regulation applicable to the item or items being purchased has been adopted by the department. The department should meet with educational administrators to expand the inventory of standard items for common usage in all schools and higher education institutions.

(k) Investment policies.—

1. Adopt policies pertaining to the investment of school funds not needed for immediate expenditures, after considering the recommendations of the superintendent. The adopted policies shall make provisions for investing or placing on deposit all such funds in order to earn the maximum possible yield under the circumstances from such investments or deposits. The method of determining the maximum yield on investments or deposits shall include, but not necessarily be limited to, bids from qualified depositories, yields from certificates of deposit, yields from time deposits, yields from securities guaranteed by the Government of the United States, or other forms of investments authorized by law.

2. Part of the funds available for investment may be set aside to invest in time deposits or savings accounts in banks or savings and loan

associations on the federal list of minority financial institutions designated as authorized depositories. The investment of such funds must be competitively bid among such minority financial institutions located within the school district boundaries and must be in compliance with s. 236.24 and chapter 280. The amount of funds designated for such investment shall be determined by the school board and may be based on the percentage of minorities within the population of the school district.

(l) Protection against loss.—Provide for adequate protection against any loss or damage to school property or loss resulting from any liability for which the board or its officers, agents, or employees may be responsible under law. In fulfilling this responsibility, the board is authorized and empowered to purchase insurance, to be self-insured, to enter into risk management programs managed by district school boards, school-related associations, or insurance companies, or to have any combination thereof in any area to the extent the board is either authorized or required by law to contract for insurance. Any risk management program entered into pursuant to this subsection shall provide for strict accountability of all funds to the member school boards and an annual audit by an independent certified public accountant of all receipts and disbursements.

(16) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—Maintain a system of school improvement and education accountability as provided by statute and State Board of Education rule. This system of school improvement and education accountability shall be consistent with, and implemented through, the district's continuing system of planning and budgeting required by this section and ss. 229.555 and 237.041. This system of school improvement and education accountability shall include, but is not be limited to, the following:

(a) School improvement plans.—Annually approve and require implementation of a new, amended, or continuation school improvement plan for each school in the district. Such plan shall be designed to achieve the state education goals and student performance standards pursuant to ss. 229.591(3) and 229.592. Beginning in 1999-2000, each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, and other matters of resource allocation, as determined by school board policy, and shall be based on an analysis of student achievement and other school performance data.

(b) Approval process.—Develop a process for approval of a school improvement plan presented by an individual school and its advisory council. In the event a board does not approve a school improvement plan after exhausting this process, the *Department of Education Florida Commission on Education Reform and Accountability* shall be notified of the need for assistance.

(c) Assistance and intervention.—Develop a *2-year 3-year* plan of increasing individualized assistance and intervention for each school *in danger of that does not meeting state standards meet or making make* adequate progress, based upon the recommendations of the commission, as defined pursuant to statute and State Board of Education rule, toward meeting the goals and standards of its approved school improvement plan. *A school that is identified as being in performance grade category "D" pursuant to s. 229.57 is in danger of failing and must be provided assistance and intervention.*

(d) After 23 years.—Notify the *Commissioner of Florida Commission on Education Reform and Accountability* and the State Board of Education in the event any school does not make adequate progress toward meeting the goals and standards of a school improvement plan by the end of *2 3-consecutive* years of *failing to make adequate progress or remaining under probationary status pursuant to s. 229.0535 district assistance and intervention* and proceed according to guidelines developed pursuant to statute and State Board of Education rule. *School districts shall provide intervention and assistance to schools in danger of being designated as performance grade category "F," failing to make adequate progress.*

(e) Public disclosure.—Provide information regarding performance of students and educational programs as required pursuant to ss. s. 229.555 and 229.57(5) and implement a system of school reports as required by statute and State Board of Education rule. *Annual public disclosure reports shall be in an easy-to-read report card format, and shall include the school's student and school performance grade category designation and performance data as specified in state board rule.*

(f) School improvement funds.—Provide funds to schools for developing and implementing school improvement plans. Such funds shall include those funds appropriated for the purpose of school improvement pursuant to s. 24.121(5)(c).

(17) LOCAL-LEVEL DECISIONMAKING.—

(a) Adopt policies that clearly encourage and enhance maximum decisionmaking appropriate to the school site. Such policies must include guidelines for schools in the adoption and purchase of district and school site instructional materials and technology, staff training, school advisory council member training, student support services, budgeting, and the allocation of staff resources.

(b) Adopt waiver process policies to enable all schools to exercise maximum flexibility and notify advisory councils of processes to waive school district and state policies.

(c) Develop policies for periodically monitoring the membership composition of school advisory councils to ensure compliance with requirements established in s. 229.58.

(d) *Adopt policies that assist in giving greater autonomy, including authority over the allocation of the school's budget, to schools designated as performance grade category "A," making excellent progress, and schools rated as having improved at least two performance grade categories.*

(18) ADOPT RULES.—Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement ~~the provisions of~~ this section.

Section 13. Paragraph (a) of subsection (3) of section 231.29, Florida Statutes, 1998 Supplement, is amended to read:

231.29 Assessment procedures and criteria.—

(3) The assessment procedure for instructional personnel shall comply with, but shall not be limited to, the following requirements:

(a) An assessment shall be conducted for each employee at least once a year. The assessment shall be based upon sound educational principles and contemporary research in effective educational practices. *Beginning with the full implementation of an annual assessment of learning gains,* the assessment must *primarily* use data and indicators of improvement in student performance *assessed annually as specified in s. 229.57* and may consider results of peer reviews in evaluating the employee's performance. The assessment criteria must include, but are not limited to, indicators that relate to the following:

1. Ability to maintain appropriate discipline.
2. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.
3. Ability to plan and deliver instruction.
4. Ability to evaluate instructional needs.
5. Ability to communicate with parents.
6. Other professional competencies, responsibilities, and requirements as established by rules of the State Board of Education and policies of the district school board.

Section 14. Subsection (2) of section 231.2905, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

231.2905 Florida School Recognition Program.—

(2) The Florida School Recognition Program is created to provide *greater autonomy and* financial awards to ~~faculty and staff of~~ schools that sustain high performance or that demonstrate exemplary improvement due to innovation and effort. The Commissioner of Education shall establish statewide objective criteria for schools to be invited to apply for the Florida School Recognition Program. The selection of schools must be based on at least 2 school years of data, when available. ~~To participate in the program, a school district must have incorporated a performance incentive program into its employee salary structure.~~ All public schools, including charter schools, are eligible to participate in the program.

(a) Initial criteria for identification of schools must rely on the school's data and statewide data and must include, but *is not* be limited to:

- ~~(a)1.~~ Improvement in the school's student achievement data.
- ~~(b)2.~~ Statewide student achievement data.
- ~~(c)~~ Student learning gains when such data become available.
- ~~(d)3.~~ Readiness for postsecondary education data.
- ~~(e)4.~~ Dropout rates.
- ~~(f)5.~~ Attendance rates.
- ~~(g)~~ Graduation rates.
- ~~(h)~~ Cohort graduation rates.

~~(b) After a pool of eligible schools has been identified, schools must apply for final recognition and financial awards based on established criteria. Criteria must include, but not be limited to:~~

- ~~1. School climate, including rates of school violence and crime.~~
- ~~2. Indicators of innovation in teaching and learning.~~
- ~~3. Indicators of successful challenging school improvement plans.~~
- ~~4. Parent, community, and student involvement in learning.~~

~~(c) After identification of schools for final recognition and financial awards, awards must be distributed based on employee performance criteria established in district school board policy.~~

~~(3) The School Recognition Program shall utilize the school performance grade category designations in s. 229.57.~~

Section 15. Subsection (12) of section 228.053, Florida Statutes, is amended to read:

228.053 Developmental research schools.—

(12) EXCEPTIONS TO LAW.—To encourage innovative practices and facilitate the mission of the developmental research schools, in addition to the exceptions to law specified in s. 229.592(6), the following exceptions shall be permitted for developmental research schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 230.01; 230.02; 230.03; 230.04; 230.05; 230.061; 230.08; 230.10; 230.105; 230.11; 230.12; 230.15; 230.16; 230.17; 230.173; 230.18; 230.19; 230.201; 230.202; 230.21; 230.22; 230.2215; 230.2318; 230.232; 230.24; 230.241; 230.26; 230.28; 230.30; 230.303; 230.31; 230.32; 230.321; 230.33; 230.35; 230.39; 230.63; 230.64; 230.643; 234.01; 234.021; 234.112; 236.25; 236.261; 236.29; 236.31; 236.32; 236.35; 236.36; 236.37; 236.38; 236.39; 236.40; 236.41; 236.42; 236.43; 236.44; 236.45; 236.46; 236.47; 236.48; 236.49; 236.50; 236.51; 236.52; 236.55; 236.56; 237.051; 237.071; 237.091; 237.201; 237.40; and 316.75. With the exception of subsection (16) of s. 230.23, s. 230.23 shall be held in abeyance. Reference to school boards in s. 230.23(16) shall mean the president of the university or the president's designee.

(b) The following statutes or related rules may be waived for any developmental research school so requesting, provided the general statutory purpose of each section is met and the developmental research school has submitted a written request to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee for approval pursuant to this subsection: ss. 229.555; 231.291; 232.2462; 232.36; 233.34; 237.01; 237.02; 237.031; 237.041; 237.061; 237.081; 237.111; 237.121; 237.131; 237.141; 237.151; 237.161; 237.162; 237.171; 237.181; 237.211; and 237.34. Notwithstanding reference to the responsibilities of the superintendent or school board in chapter 237, developmental research schools shall follow the policy intent of the chapter and shall, at least, adhere to the general state agency accounting procedures established in s. 11.46.

1. Two or more developmental research schools may jointly originate a request for waiver and submit the request to the committee if such waiver is approved by the school advisory council of each developmental research school desiring the waiver.

2. A developmental research school may submit a request to the committee for a waiver if such request is presented by a school advisory council established pursuant to s. 229.58, if such waiver is required to implement a school improvement plan required by s. 230.23(16), and if such request is made using forms established pursuant to s. 229.592(6). The Joint Developmental Research School Planning, Articulation, and Evaluation Committee shall monitor the waiver activities of all developmental research schools and shall report annually to the department and the Florida Commission on Education Reform and Accountability, in conjunction with the feedback report required pursuant to s. 229.592(3), the number of waivers requested and submitted to the committee by developmental research schools, and the number of such waiver requests not approved. For each waiver request not approved, the committee shall report the statute or rule for which the waiver was requested, the rationale for the developmental research school request, and the reason the request was not approved.

(c) The written request for waiver of statute or rule shall indicate at least how the general statutory purpose will be met, how granting the waiver will assist schools in improving student outcomes related to the student performance standards adopted pursuant to s. 229.592(5), and how student improvement will be evaluated and reported. In considering any waiver, the committee shall ensure protection of the health, safety, welfare, and civil rights of the students and protection of the public interest.

~~(d) The procedure established in s. 229.592(6)(f) shall be followed for any request for a waiver which is not denied, or for which a request for additional information is not issued. Notwithstanding the request provisions of s. 229.592(6), developmental research schools shall request all waivers through the Joint Developmental Research School Planning, Articulation, and Evaluation Committee, as established in s. 228.054. The committee shall approve or disapprove said requests pursuant to this subsection and s. 229.592(6); however, the Commissioner of Education shall have standing to challenge any decision of the committee should it adversely affect the health, safety, welfare, or civil rights of the students or public interest. The department shall immediately notify the committee and developmental research school of the decision and provide a rationale therefor.~~

Section 16. Paragraph (e) of subsection (2) of section 228.054, Florida Statutes, is amended to read:

228.054 Joint Developmental Research School Planning, Articulation, and Evaluation Committee.—

(2) The committee shall have the duty and responsibility to:

(e) Provide assistance to schools in the waiver process established under s. 228.053(12), review and approve or disapprove waivers requested pursuant to ss. 228.053(12) and 229.592(6), and annually review, identify, and report to the Legislature additional barriers and statutes that hinder the implementation of s. 228.053.

Section 17. Subsection (3) of section 233.17, Florida Statutes, is amended to read:

233.17 Term of adoption for instructional materials.—

(3) The department shall publish annually an official schedule of subject areas to be called for adoption for each of the succeeding 2 years, and a tentative schedule for years 3, 4, 5, and 6. If extenuating circumstances warrant, the Commissioner of Education may order the department to add one or more subject areas to the official schedule, in which event the commissioner shall develop criteria for such additional subject area or areas pursuant to s. 229.512(18)(15) and make them available to publishers as soon as practicable. Notwithstanding the provisions of s. 229.512(18)(15), the criteria for such additional subject area or areas may be provided to publishers less than 24 months before the date on which bids are due. The schedule shall be developed so as to promote balance among the subject areas so that the required expenditure for new instructional materials is approximately the same each year in order to maintain curricular consistency.

Section 18. Subsection (6) of section 236.685, Florida Statutes, is amended to read:

236.685 Educational funding accountability.—

(6) The annual school public accountability report required by ss. 229.592(5) and 230.23(16)(18) must include a school financial report. The purpose of the school financial report is to better inform parents and the public concerning how revenues were spent to operate the school during the prior fiscal year. Each school's financial report must follow a uniform, districtwide format that is easy to read and understand.

(a) Total revenue must be reported at the school, district, and state levels. The revenue sources that must be addressed are state and local funds, other than lottery funds; lottery funds; federal funds; and private donations.

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

1. Teachers, excluding substitute teachers, and teacher aides who provide direct classroom instruction to students enrolled in programs classified by s. 236.081 as:
 - a. Basic programs;
 - b. Students-at-risk programs;
 - c. Special programs for exceptional students;
 - d. Career education programs; and
 - e. Adult programs.
2. Substitute teachers.
3. Other instructional personnel, including school-based instructional specialists and their assistants.
4. Contracted instructional services, including training for instructional staff and other contracted instructional services.
5. School administration, including school-based administrative personnel and school-based education support personnel.
6. The following materials, supplies, and operating capital outlay:
 - a. Textbooks;
 - b. Computer hardware and software;
 - c. Other instructional materials;
 - d. Other materials and supplies; and
 - e. Library media materials.
7. Food services.
8. Other support services.
9. Operation and maintenance of the school plant.

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

As used in this subsection, the term "school" means a "school center" as defined by s. 228.041.

Section 19. Effective July 1, 1999, section 236.08104, Florida Statutes, is created to read:

236.08104 Supplemental academic instruction; categorical fund.—

(1) *There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This section may be cited as the "Supplemental Academic Achievement Categorical Fund."*

(2) *Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act. These funds shall be in addition to the funds*

appropriated on the basis of full-time equivalent student (FTE) membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used only to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction may include methods such as lowering class size, providing after-school tutoring, holding Saturday morning sessions, and other methods for improving student achievement and may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

(3) *Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled pursuant to s. 236.013(2)(c)2.a. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.*

Section 20. Effective July 1, 1999, paragraph (c) of subsection (2) of section 236.013, Florida Statutes, is amended to read:

236.013 Definitions.—Notwithstanding the provisions of s. 228.041, the following terms are defined as follows for the purposes of this act:

(2) A "full-time equivalent student" in each program of the district is defined in terms of full-time students and part-time students as follows:

(c)1. A "full-time equivalent student" is:

a. A full-time student in any one of the programs listed in s. 236.081(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 236.081(1)(c) which is the equivalent of one full-time student based on the following calculations:

(I) A full-time student, except a postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation, in a combination of programs listed in s. 236.081(1)(c) shall be a fraction of a full-time equivalent membership in each special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.; the difference between that fraction or sum of fractions and the maximum value as set forth in subsection (5) for each full-time student is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.

(II) ~~A student in the basic half day kindergarten program of not less than 450 net hours shall earn one-half of a full-time equivalent membership.~~

(III) ~~A half day kindergarten student in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each special program equal to the number of net hours or major portion thereof per school year for which he or she is a member divided by the number of hours set forth in sub-sub-subparagraph (II); the difference between that fraction and the number of hours set forth in sub-sub-subparagraph (II) for each full-time student in membership in a half day kindergarten program is presumed to be the balance of the student's time not spent in such special education programs and shall be recorded as time in the appropriate basic program.~~

(IV) ~~A part-time student, except a postsecondary or adult student, is a fraction of a full-time equivalent membership in each basic and special program equal to the number of net hours or major fraction thereof per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

(V) ~~A postsecondary or adult student or a senior high school student enrolled in adult education when such courses are required for high school graduation is a portion of a full-time equivalent membership in each special program equal to the net hours or major fraction thereof per~~

fiscal year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.

~~(VI) A full-time student who is part of a program authorized by subparagraph (a)3. in a combination of programs listed in s. 236.081(1)(c) is a fraction of a full-time equivalent membership in each regular or special program equal to the number of net hours per school year for which he or she is a member, divided by the appropriate number of hours set forth in subparagraph (a)1. or subparagraph (a)2.~~

~~(VII) A prekindergarten handicapped student shall meet the requirements specified for kindergarten students.~~

2. A student in membership in a program scheduled for more or less than 180 school days is a fraction of a full-time equivalent membership equal to the number of instructional hours in membership divided by the appropriate number of hours set forth in subparagraph (a)1.; however, for the purposes of this subparagraph, membership in programs scheduled for more than 180 days is limited to:

a. ~~Support level III, IV, and V Special programs for exceptional students with disabilities;~~

b. ~~Special vocational-technical programs;~~

c. ~~Special adult general education programs;~~

~~b.d. Residential Dropout prevention programs as defined in s. 230.2316 for students in residential programs operated by the Department of Children and Family Services; programs operated by the Department of Juvenile Justice as defined in s. 230.23161 in which students receive educational services; or teenage parent programs as defined in s. 230.23166 for students who are in need of such additional instruction;~~

~~c.e. Dropout prevention programs as defined in s. 230.2316 in which students are placed for academic or disciplinary purposes or Programs in English for speakers of other languages as defined in s. 233.058 for students who were in membership for all of the last 15 days of the 180-day term or a total of 30 days within the 180-day term and are in need of such additional instruction;~~

~~f. Other basic programs offered for promotion or credit instruction as defined by rules of the state board; and~~

~~g. Programs which modify the school year to accommodate the needs of children who have moved with their parents for the purpose of engaging in the farm labor or fish industries, provided such programs are approved by the commissioner.~~

The department shall determine and implement an equitable method of equivalent funding for experimental schools and for schools operating under emergency conditions, which schools have been approved by the department under the provisions of s. 228.041(13) to operate for less than the minimum school day.

Section 21. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, paragraphs (b), (c), and (d) of subsection (5) of section 24.121, Florida Statutes, 1998 Supplement, are reenacted to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(b) Except as provided in paragraphs (c), (d), and (e), the Legislature shall equitably apportion moneys in the trust fund among public schools, community colleges, and universities.

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 230.23(16). A portion of these moneys, as determined annually in the General Appropriations Act, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council,

the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which committee is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. A principal may not override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements, nor may they be used for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

(d) No funds shall be released for any purpose from the Educational Enhancement Trust Fund to any school district in which one or more schools do not have an approved school improvement plan pursuant to s. 230.23(16) or do not comply with school advisory council membership composition requirements pursuant to s. 229.58(1).

Section 22. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, paragraph (b) of subsection (1) of section 120.81, Florida Statutes, is reenacted to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(b) Notwithstanding s. 120.52(15), any tests, test scoring criteria, or testing procedures relating to student assessment which are developed or administered by the Department of Education pursuant to s. 229.57, s. 232.245, s. 232.246, or s. 232.247, or any other statewide educational tests required by law, are not rules.

Section 23. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsections (3) and (8) of section 228.053, Florida Statutes, are reenacted and amended to read:

228.053 Developmental research schools.—

(3) MISSION.—The mission of a developmental research school shall be the provision of a vehicle for the conduct of research, demonstration, and evaluation regarding management, teaching, and learning. Programs to achieve the mission of a developmental research school shall embody the goals and standards of "Blueprint 2000" established pursuant to ss. 229.591 and 229.592 and shall ensure an appropriate education for its students.

(a) Each developmental research school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a developmental research school is to enhance instruction and research in such specialized subjects by using the resources available on a state university campus, while also providing an education in nonspecialized subjects. Each developmental research school shall provide sequential elementary and secondary instruction where appropriate. A developmental research school may not provide instruction at grade levels higher than grade 12 without authorization from the State Board of Education. Each developmental research school shall develop and implement a school improvement plan pursuant to s. 230.23(16).

(b) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the college of education with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a developmental research school may be generated by the Education Standards Commission. Such research shall respond to the needs of the education community at large, rather than the specific needs of the affiliated college.

(d) Research, demonstration, and evaluation conducted at a developmental research school may consist of pilot projects to be generated by the affiliated college, the Education Standards Commission, or the Legislature.

(e) The exceptional education programs offered at a developmental research school shall be determined by the research and evaluation goals and the availability of students for efficiently sized programs. The fact that a developmental research school offers an exceptional education

program in no way lessens the general responsibility of the local school district to provide exceptional education programs.

(8) ~~ADVISORY BOARDS.—“Blueprint 2000” provisions and intent specify that~~ Each public school in the state shall establish a school advisory council that is reflective of the population served by the school, pursuant to s. 229.58, and is responsible for the development and implementation of the school improvement plan pursuant to s. 230.23(16). Developmental research schools shall comply with the provisions of s. 229.58 in one of two ways:

(a) Two advisory bodies.—Each developmental research school may:

1. Establish an advisory body pursuant to the provisions and requirements of s. 229.58 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16).

2. Establish an advisory board to provide general oversight and guidance. The dean of the affiliated college of education shall be a standing member of the board, and the president of the university shall appoint three faculty members from the college of education, one layperson who resides in the county in which the school is located, and two parents or legal guardians of students who attend the developmental research school to serve on the advisory board. The term of each member shall be for 2 years, and any vacancy shall be filled with a person of the same classification as his or her predecessor for the balance of the unexpired term. The president shall stagger the terms of the initial appointees in a manner that results in the expiration of terms of no more than two members in any year. The president shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive appointments to the board or successive terms that may be served by a chair or vice chair. The board shall adopt internal organizational procedures or bylaws necessary for efficient operation as provided in chapter 120. Board members shall not receive per diem or travel expenses for the performance of their duties. The board shall:

- a. Meet at least quarterly.
- b. Monitor the operations of the school and the distribution of monies allocated for such operations.
- c. Establish necessary policy, program, and administration modifications.
- d. Evaluate biennially the performance of the director and principal and recommend corresponding action to the dean of the college of education.
- e. Annually review evaluations of the school's operation and research findings.

(b) One advisory body.—Each developmental research school may establish an advisory body responsible for the development and implementation of the school improvement plan, pursuant to s. 230.23(16), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 229.58, but may also include membership by the dean of the college of education and additional members appointed by the president of the university that represent faculty members from the college of education, the university, or other bodies deemed appropriate for the mission of the school.

Section 24. Paragraphs (b), (c), and (d) of subsection (6) of section 228.0565, Florida Statutes, 1998 Supplement, are amended to read:

228.0565 Deregulated public schools.—

(6) ELEMENTS OF THE PROPOSAL.—The major issues involving the operation of a deregulated public school shall be considered in advance and written into the proposal.

(b) The school shall make annual progress reports to the district, which upon verification shall be forwarded to the Commissioner of Education at the same time as other annual school accountability reports. The report shall contain at least the following information:

1. The school's progress towards achieving the goals outlined in its proposal.

2. The information required in the annual school report pursuant to s. 229.592.

3. Financial records of the school, including revenues and expenditures.

4. Salary and benefit levels of school employees.

(c) A school district shall ensure that the proposal is innovative and consistent with the state education goals established by s. 229.591.

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives with a copy of each report and an analysis and comparison of the overall performance of students, to include all students in deregulated public schools whose scores are counted as part of the ~~statewide norm-referenced~~ assessment tests, versus comparable public school students in the district as determined by ~~FCAT and district norm-referenced~~ assessment tests currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 25. For the purpose of incorporating the amendments made by this act to section 229.57, Florida Statutes, in references thereto, subsection (1) of section 228.301, Florida Statutes, is reenacted to read:

228.301 Test security.—

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board of Education or the Commissioner of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 229.57, or, with respect to any such test, knowingly and willfully to:

- (a) Give examinees access to test questions prior to testing;
- (b) Copy, reproduce, or use in any manner inconsistent with test security rules all or any portion of any secure test booklet;
- (c) Coach examinees during testing or alter or interfere with examinees' responses in any way;
- (d) Make answer keys available to examinees;
- (e) Fail to follow security rules for distribution and return of secure test as directed, or fail to account for all secure test materials before, during, and after testing;
- (f) Fail to follow test administration directions specified in the test administration manuals; or
- (g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

Section 26. For the purpose of incorporating the amendments made by this act to sections 229.555, 229.565, and 229.57, Florida Statutes, in references thereto, subsections (1) and (3) of section 229.551, Florida Statutes, 1998 Supplement, are reenacted to read:

229.551 Educational management.—

(1) The department is directed to identify all functions which under the provisions of this act contribute to, or comprise a part of, the state system of educational accountability and to establish within the department the necessary organizational structure, policies, and procedures for effectively coordinating such functions. Such policies and procedures shall clearly fix and delineate responsibilities for various aspects of the system and for overall coordination of the total system. The commissioner shall perform the following duties and functions:

- (a) Coordination of department plans for meeting educational needs and for improving the quality of education provided by the state system of public education;
- (b) Coordination of management information system development for all levels of education and for all divisions of the department, to

include the development and utilization of cooperative education computing networks for the state system of public education;

(c) Development of database definitions and all other items necessary for full implementation of a comprehensive management information system as required by s. 229.555;

(d) Coordination of all planning functions for all levels and divisions within the department;

(e) Coordination of all cost accounting and cost reporting activities for all levels of education, including public schools, vocational programs, community colleges, and institutions in the State University System;

(f) Development and coordination of a common course designation and numbering system for postsecondary education in school districts, community colleges, participating nonpublic postsecondary education institutions, and the State University System which will improve program planning, increase communication among all postsecondary delivery systems, and facilitate the transfer of students. The system shall not encourage or require course content prescription or standardization or uniform course testing, and the continuing maintenance of the system shall be accomplished by appropriate faculty committees representing public and participating nonpublic institutions. The Articulation Coordinating Committee, whose membership represents public and nonpublic postsecondary institutions, shall:

1. Identify the highest demand degree programs within the State University System.

2. Conduct a study of courses offered by universities and accepted for credit toward a degree. The study shall identify courses designated as either general education or required as a prerequisite for a degree. The study shall also identify these courses as upper-division level or lower-division level.

3. Appoint faculty committees representing both community college and university faculties to recommend a single level for each course included in the common course numbering and designation system. Any course designated as an upper-division level course must be characterized by a need for advanced academic preparation and skills that a student would be unlikely to achieve without significant prior coursework. A course that is offered as part of an associate in science degree program and as an upper-division course for a baccalaureate degree shall be designated for both the lower and upper division. Of the courses required for each baccalaureate degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower-division courses, except in degree programs approved by the Board of Regents pursuant to s. 240.209(5)(e). A course designated as lower-division may be offered by any community college. The Articulation Coordinating Committee shall recommend to the State Board of Education the levels for the courses. The common course numbering and designation system shall include the courses at the recommended levels, and, by fall semester of 1996, the registration process at each state university and community college shall include the courses at their designated levels and common course numbers.

4. Appoint faculty committees representing both community college and university faculties to recommend those courses identified to meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The Articulation Coordinating Committee shall recommend to the State Board of Education those courses identified to meet these general education requirements by their common course code number. All community colleges and state universities shall accept these general education courses.

5. Appoint faculty committees representing both community colleges and universities to recommend common prerequisite courses and identify course substitutions when common prerequisites cannot be established for degree programs across all institutions. Faculty work groups shall adopt a strategy for addressing significant differences in prerequisites, including course substitutions. The Board of Regents shall be notified by the Articulation Coordinating Committee when significant differences remain. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the Board of Regents pursuant to s. 240.209(5)(f). The Board of Regents shall work with the State Board of

Community Colleges on the development of a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program;

(g) Expansion and ongoing maintenance of the common course designation and numbering system to include the numbering and designation of postsecondary vocational courses and facilitate the transfer of credits between public schools, community colleges, and state universities. The Articulation Coordinating Committee shall:

1. Adopt guidelines for the participation of public school districts and community colleges in offering courses that may be transferred to a certificate, diploma, or degree program. These guidelines shall establish standards addressing faculty qualifications, admissions, program curricula, participation in the common course designation and numbering system, and other issues identified by the Task Force on Workforce Development and the Commissioner of Education. Guidelines should also address the role of accreditation in the designation of courses as transferable credit. Such guidelines must not jeopardize the accreditation status of educational institutions and must be based on data related to the history of credit transfer among institutions in this state and others.

2. Identify postsecondary vocational programs offered by community colleges and public school districts. The list shall also identify vocational courses designated as college credit courses applicable toward a vocational diploma or degree. Such courses must be identified within the common course numbering and designation system.

3. Appoint faculty committees representing both community college and public school faculties to recommend a standard program length and appropriate occupational completion points for each postsecondary vocational certificate program, diploma, and degree; and

(h) Development of common definitions necessary for managing a uniform coordinated system of career education for all levels of the state system of public education.

(3) As a part of the system of educational accountability, the department shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 229.565 and 229.57.

(b) Administer the statewide assessment testing program created by s. 229.57.

(c) Develop and administer an educational evaluation program, including the provisions of the Plan for Educational Assessment developed pursuant to s. 9, chapter 70-399, Laws of Florida, and adopted by the State Board of Education.

(d) Review the school advisory councils of each district as required by s. 229.58.

(e) Conduct the program evaluations required by s. 229.565.

(f) Maintain a listing of college-level communication and computation skills defined by the Articulation Coordinating Committee as being associated with successful student performance through the baccalaureate level and submit the same to the State Board of Education for approval.

(g) Maintain a listing of tests and other assessment procedures which measure and diagnose student achievement of college-level communication and computation skills and submit the same to the State Board of Education for approval.

(h) Maintain for the information of the State Board of Education and the Legislature a file of data compiled by the Articulation Coordinating Committee to reflect achievement of college-level communication and computation competencies by students in state universities and community colleges.

(i) Develop or contract for, and submit to the State Board of Education for approval, tests which measure and diagnose student achievement of college-level communication and computation skills. Any tests and related documents developed are exempt from the provisions of s. 119.07(1). The commissioner shall maintain statewide responsibility for

the administration of such tests and may assign administrative responsibilities for the tests to any public university or community college. The state board, upon recommendation of the commissioner, is authorized to enter into contracts for such services beginning in one fiscal year and continuing into the next year which are paid from the appropriation for either or both fiscal years.

(j) Perform any other functions that may be involved in educational planning, research, and evaluation or that may be required by the commissioner, the State Board of Education, or law.

Section 27. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsection (4) of section 230.03, Florida Statutes, is reenacted to read:

230.03 Management, control, operation, administration, and supervision.—The district school system must be managed, controlled, operated, administered, and supervised as follows:

(4) PRINCIPAL OR HEAD OF SCHOOL.—Responsibility for the administration of any school or schools at a given school center, for the supervision of instruction therein, and for providing leadership in the development or revision and implementation of a school improvement plan required pursuant to s. 230.23(16) shall be delegated to the principal or head of the school or schools as hereinafter set forth and in accordance with rules established by the school board.

Section 28. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, paragraph (b) of subsection (4) of section 230.2316, Florida Statutes, 1998 Supplement, is reenacted to read:

230.2316 Dropout prevention.—

(4) PROGRAM IMPLEMENTATION.—

(b) Each school that establishes or continues a dropout prevention program at that school site shall reflect that program in the school improvement plan as required under s. 230.23(16).

Section 29. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, section 231.085, Florida Statutes, is reenacted to read:

231.085 Duties of principals.—A district school board shall employ, through written contract, public school principals who shall supervise the operation and management of the schools and property as the board determines necessary. Each principal shall perform such duties as may be assigned by the superintendent pursuant to the rules of the school board. Such rules shall include, but not be limited to, rules relating to administrative responsibility, instructional leadership of the educational program of the school to which the principal is assigned, submission of personnel recommendations to the superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension. Each principal shall provide leadership in the development or revision and implementation of a school improvement plan pursuant to s. 230.23(16).

Section 30. For the purpose of incorporating the amendments made by this act to sections 229.591 and 229.592, Florida Statutes, in references thereto, paragraph (a) of subsection (3) of section 231.24, Florida Statutes, 1998 Supplement, is reenacted to read:

231.24 Process for renewal of professional certificates.—

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

(a) The applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Education in "clinical educator" training pursuant to s. 240.529(5)(b) and credits or points that provide training in the area of exceptional student education, normal child development, and the disorders of development may be applied toward any specialization area. Credits or points that provide training in the areas of drug abuse, child abuse and neglect, strategies in teaching students having limited proficiency in English, or dropout prevention, or training in areas identified

in the educational goals and performance standards adopted pursuant to ss. 229.591(3) and 229.592 may be applied toward any specialization area. Credits or points earned through approved summer institutes may be applied toward the fulfillment of these requirements. Inservice points may also be earned by participation in professional growth components approved by the State Board of Education and specified pursuant to s. 236.0811 in the district's approved master plan for inservice educational training, including, but not limited to, serving as a trainer in an approved teacher training activity, serving on an instructional materials committee or a state board or commission that deals with educational issues, or serving on an advisory council created pursuant to s. 229.58.

Section 31. For the purpose of incorporating the amendments made by this act to section 231.29, Florida Statutes, in references thereto, paragraphs (e) and (f) of subsection (3) of section 231.36, Florida Statutes, are reenacted to read:

231.36 Contracts with instructional staff, supervisors, and principals.—

(3)

(e) A professional service contract shall be renewed each year unless the superintendent, after receiving the recommendations required by s. 231.29, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 231.29. An employee who holds a professional service contract on July 1, 1997, is subject to the procedures set forth in paragraph (f) during the term of the existing professional service contract. The employee is subject to the procedures set forth in s. 231.29(3)(d) upon the next renewal of the professional service contract; however, if the employee is notified of performance deficiencies before the next contract renewal date, the procedures of s. 231.29(3)(d) do not apply until the procedures set forth in paragraph (f) have been exhausted and the professional service contract is subsequently renewed.

(f) The superintendent shall notify an employee who holds a professional service contract on July 1, 1997, in writing, no later than 6 weeks prior to the end of the postschool conference period, of performance deficiencies which may result in termination of employment, if not corrected during the subsequent year of employment (which shall be granted for an additional year in accordance with the provisions in subsection (1)). Except as otherwise hereinafter provided, this action shall not be subject to the provisions of chapter 120, but the following procedures shall apply:

1. On receiving notice of unsatisfactory performance, the employee, on request, shall be accorded an opportunity to meet with the superintendent or the superintendent's designee for an informal review of the determination of unsatisfactory performance.

2. An employee notified of unsatisfactory performance may request an opportunity to be considered for a transfer to another appropriate position, with a different supervising administrator, for the subsequent year of employment.

3. During the subsequent year, the employee shall be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. The employee shall also be evaluated periodically so that he or she will be kept apprised of progress achieved.

4. Not later than 6 weeks prior to the close of the postschool conference period of the subsequent year, the superintendent, after receiving and reviewing the recommendation required by s. 231.29, shall notify the employee, in writing, whether the performance deficiencies have been corrected. If so, a new professional service contract shall be issued to the employee. If the performance deficiencies have not been corrected, the superintendent may notify the school board and the employee, in writing, that the employee shall not be issued a new professional service contract; however, if the recommendation of the superintendent is not to issue a new professional service contract, and if the employee wishes to contest such recommendation, the employee will have 15 days from receipt of the superintendent's recommendation to demand, in writing, a hearing. In such hearing, the employee may raise as an issue, among other things, the sufficiency of the superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the school board within 60 days of receipt of the written appeal. The hearing shall be conducted in accordance with the provisions of ss. 120.569 and 120.57. A majority vote of the membership of the school board shall be required to sustain the superintendent's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

b. A hearing conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days of receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the school board. A majority vote of the membership of the school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Section 32. For the purpose of incorporating the amendments made by this act to section 229.591, Florida Statutes, in references thereto, subsection (1) of section 231.600, Florida Statutes, 1998 Supplement, is reenacted to read:

231.600 School Community Professional Development Act.—

(1) The Department of Education, public community colleges and universities, public school districts, and public schools in this state shall collaborate to establish a coordinated system of professional development. The purpose of the professional development system is to enable the school community to succeed in school improvement as described in s. 229.591.

Section 33. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2454, Florida Statutes, is reenacted to read:

232.2454 District student performance standards, instruments, and assessment procedures.—

(1) School districts are required to obtain or develop and implement assessments of student achievement as necessary to accurately measure student progress and to report this progress to parents or legal guardians according to s. 232.245. Each school district shall implement the assessment program pursuant to the procedures it adopts.

Section 34. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, paragraphs (a) and (b) of subsection (5) of section 232.246, Florida Statutes, 1998 Supplement, are reenacted and amended to read:

232.246 General requirements for high school graduation.—

(5) Each district school board shall establish standards for graduation from its schools, and these standards must include:

(a) Earning passing scores on the high school competency test *or FCAT*, as defined in s. 229.57(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

Section 35. For the purpose of incorporating the amendments made by this act to sections 229.57 and 232.245, Florida Statutes, in references thereto, section 232.248, Florida Statutes, is reenacted to read:

232.248 Confidentiality of assessment instruments.—All examination and assessment instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to ss. 229.57, 232.245, 232.246, and 232.247 shall be confidential and exempt from the provisions of s. 119.07(1) and from ss. 229.781 and 230.331. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the state board.

Section 36. For the purpose of incorporating the amendments made by this act to section 232.245, Florida Statutes, in references thereto, subsection (1) of section 232.2481, Florida Statutes, is reenacted to read:

232.2481 Graduation and promotion requirements for publicly operated schools.—

(1) Each state or local public agency, including the Department of Health and Rehabilitative Services, the Department of Corrections, the Board of Regents, boards of trustees of community colleges, and the Board of Trustees of the Florida School for the Deaf and the Blind, which agency is authorized to operate educational programs for students at any level of grades kindergarten through 12 shall be subject to all applicable requirements of ss. 232.245, 232.246, 232.247, and 232.248. Within the content of these cited statutes each such state or local public agency shall be considered a "district school board."

Section 37. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, subsection (4) of section 233.09, Florida Statutes, is reenacted to read:

233.09 Duties of each state instructional materials committee.—The duties of each state instructional materials committee shall be:

(4) EVALUATION OF INSTRUCTIONAL MATERIALS.—To evaluate carefully all instructional materials submitted, to ascertain which instructional materials, if any, submitted for consideration best implement the selection criteria developed by the Commissioner of Education and those curricular objectives included within applicable performance standards provided for in s. 229.565.

(a) When recommending instructional materials for use in the schools, each committee shall include only instructional materials that accurately portray the ethnic, socioeconomic, cultural, and racial diversity of our society, including men and women in professional, vocational, and executive roles, and the role and contributions of the entrepreneur and labor in the total development of this state and the United States.

(b) When recommending instructional materials for use in the schools, each committee shall include only materials which accurately portray, whenever appropriate, humankind's place in ecological systems, including the necessity for the protection of our environment and conservation of our natural resources and the effects on the human system of the use of tobacco, alcohol, controlled substances, and other dangerous substances.

(c) When recommending instructional materials for use in the schools, each committee shall require such materials as it deems necessary and proper to encourage thrift, fire prevention, and humane treatment of people and animals.

(d) When recommending instructional materials for use in the schools, each committee shall require, when appropriate to the comprehension of pupils, that materials for social science, history, or civics classes contain the Declaration of Independence and the Constitution of the United States. No instructional materials shall be recommended by any committee for use in the schools which contain any matter reflecting unfairly upon persons because of their race, color, creed, national origin, ancestry, gender, or occupation.

(e) All instructional materials recommended by each committee for use in the schools shall be, to the satisfaction of each committee, accurate, objective, and current and suited to the needs and comprehension of pupils at their respective grade levels. Instructional materials committees shall consider for adoption materials developed for academically talented students such as those enrolled in advanced placement courses.

(f) When recommending instructional materials for use in the schools, each committee shall have the recommendations of all districts which submit evaluations on the materials submitted for adoption in that particular subject area aggregated and presented to the members to aid them in the selection process; however, such aggregation shall be weighted in accordance with the full-time equivalent student percentage of each district. Each committee shall prepare an additional aggregation, unweighted, with each district recommendation given equal consideration. No instructional materials shall be evaluated or recommended for adoption unless each of the district committees shall have been loaned the specified number of samples.

(g) In addition to relying on statements of publishers or manufacturers of instructional material, any committee may conduct, or cause to be conducted, an independent investigation as to the compliance of submitted materials with the requirements of this section.

Section 38. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto,

paragraph (b) of subsection (1) of section 233.165, Florida Statutes, is reenacted to read:

233.165 Standards for selection.—

(1) In the selection of instructional materials, library books, and other reading material used in the public school system, the standards used to determine the propriety of the material shall include:

(b) The educational purpose to be served by the material. In considering instructional materials for classroom use, priority shall be given to the selection of materials which encompass the state and district performance standards provided for in ss. 229.565 and 232.2454 and which include the instructional objectives contained within the curriculum frameworks approved by the State Board of Education, to the extent that appropriate curriculum frameworks have been approved by the board.

Section 39. For the purpose of incorporating the amendments made by this act to section 229.565, Florida Statutes, in references thereto, paragraph (b) of subsection (3) of section 233.25, Florida Statutes, is reenacted to read:

233.25 Duties, responsibilities, and requirements of publishers and manufacturers of instructional materials.—Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Submit, at a time designated in s. 233.14, the following information:

(b) Written proof that the publisher has provided written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 229.565.

Section 40. For the purpose of incorporating the amendments made by this act to section 231.29, Florida Statutes, in references thereto, paragraphs (a) and (c) of subsection (2) of section 236.08106, Florida Statutes, 1998 Supplement, are reenacted to read:

236.08106 Excellent Teaching Program.—

(2) The Excellent Teaching Program is created to provide categorical funding for monetary incentives and bonuses for teaching excellence. The Department of Education shall allocate and distribute to each school district an amount as prescribed annually by the Legislature for the Excellent Teaching Program. Unless otherwise provided in the General Appropriations Act, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the school district to the NBPTS on behalf of each individual who is an employee of the district school board or a public school within that school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29 and who satisfies the prerequisites for participating in the NBPTS certification program, and who agrees, in writing, to pay 10 percent of the NBPTS participation fee and to participate in the NBPTS certification program during the school year for which the fee subsidy is provided. The fee subsidy for each eligible participant shall be an amount equal to 90 percent of the fee charged for participating in the NBPTS certification program, but not more than \$1,800 per eligible participant. The fee subsidy is a one-time award and may not be duplicated for any individual.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within that school district. The district school board shall distribute the annual bonus to each individual who meets the requirements of this paragraph and who is certified annually by the district to have demonstrated satisfactory teaching performance pursuant to s. 231.29. The annual bonus may be paid as a single payment or divided into not more than three payments.

Section 41. For the purpose of incorporating the amendments made by this act to section 230.23, Florida Statutes, in references thereto, subsection (3) of section 239.229, Florida Statutes, 1998 Supplement, is reenacted to read:

239.229 Vocational standards.—

(3) Each area technical center operated by a school board shall establish a center advisory council pursuant to s. 229.58. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 230.23(16) and may provide assistance, upon the request of the center director, in the preparation of the center's annual budget and plan as required by s. 229.555(1).

Section 42. For the purpose of incorporating the amendments made by this act to section 229.592, Florida Statutes, in references thereto, subsection (4) of section 240.118, Florida Statutes, is reenacted to read:

240.118 Postsecondary feedback of information to high schools.—

(4) As a part of the school improvement plan pursuant to s. 229.592, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.

Section 43. Subsections (29), (40), and (42) of section 228.041, Florida Statutes, 1998 Supplement, are amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(29) DROPOUT.—A dropout is a student ~~not subject to compulsory school attendance, as defined in s. 232.01~~, who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student's whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any vocational, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. 322.091, court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district's policy.

~~Students not exempt from attendance pursuant to s. 232.06 and who are subject to compulsory school attendance under s. 232.01 and who stop attending school are habitual truants as defined in subsection (28) and are not considered dropouts.~~ The State Board of Education may adopt rules to implement the provisions of this subsection.

(40) GRADUATION RATE.—The term "graduation rate" means the percentage of students who graduate from high school within 4 years after entering 9th grade for the first time, not counting students who transfer out of the student population to enroll in another school system; students who withdraw to enroll in a private school, a home education program, or an adult education program; or deceased students. Incoming transfer students, at the time of their enrollment, are included in the count of the class with which they are scheduled to graduate. For this rate calculation, students are counted as graduates upon receiving a standard high school diploma, as provided in s. 232.246, or a special diploma, as provided in s. 232.247. Also counted as graduates are calculated by dividing the number of entering 9th graders into the number of students who receive, 4 years later, a high school diploma, a special diploma, or a certificate of completion, as provided for in s. 232.246, or who receive a special certificate of completion, as provided in s. 232.247, and students 19 years of age or younger who receive a general equivalency diploma, as provided in s. 229.814. The number of 9th grade students used in the calculation of a graduation rate for this state shall be students enrolling in the grade for the first time. In conjunction with calculating the graduation rate for this state, the Department of Education

shall conduct a study to evaluate the impact of the rate of students who withdraw from high school to attend adult education programs and the students in exceptional student education programs. The department shall report its findings to the Legislature by February 1, 2000. The Department of Education may calculate a 5-year graduation rate using the same methodology described in this section.

(42) DROPOUT RATE.—The term “high school dropout rate” means the annual percentage calculated by dividing the number of students in grades 9 through 12 who are classified as dropouts, pursuant to subsection (29), by the total number of students in grades 9-12 in attendance at any time during the school year over the age of compulsory school attendance, pursuant to s. 232.01, at the time of the fall membership count, into the number of students who withdraw from school during a given school year and who are classified as dropouts pursuant to subsection (29). The Department of Education shall report the number of students initially classified as students who transfer to an adult education program but who do not enroll in an adult education program.

Section 44. Paragraph (f) of subsection (9) of section 228.056, Florida Statutes, 1998 Supplement, is amended to read:

228.056 Charter schools.—

(9) CHARTER.—The major issues involving the operation of a charter school shall be considered in advance and written into the charter. The charter shall be signed by the governing body of the charter school and the sponsor, following a public hearing to ensure community input.

(f) Upon receipt of the annual report required by paragraph (d), the Department of Education shall provide to the State Board of Education, the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives an analysis and comparison of the overall performance of charter school students, to include all students whose scores are counted as part of the *state norm-referenced assessment program tests*, versus comparable public school students in the district as determined by the *state norm-referenced assessment program tests* currently administered in the school district, and, as appropriate, the Florida Writes Assessment Test, the High School Competency Test, and other assessments administered pursuant to s. 229.57(3).

Section 45. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 46. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to educational accountability and school educational improvement; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; defining probationary status of schools; authorizing school districts to reorganize schools in certain situations; authorizing the state board to enforce school district improvement; amending s. 228.057, F.S.; providing a declaration of public policy; providing that school districts must offer controlled open enrollment in the public schools; providing a date of implementation; providing an exemption; providing a deadline for submitting revised open enrollment plans to the Department of Education; requiring the department to recommend incentives; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment

program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; authorizing councils to submit evaluations relating to school improvement by a certain date; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; authorizing the department to allocate funds for low performing schools intervention; providing calculation; providing criteria for release of funds revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; creating s. 229.5925, F.S.; providing for state board appointment of educational care teams; providing duties; establishing appointment criteria; providing for district request for care team assignment; providing terms and conditions of assignments; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term “instructional materials”; revising school board duties relating to textbooks and instructional materials distribution; requiring at least one set of textbooks per student; prohibiting the distribution of duplicate sets of textbooks under certain circumstances; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, testing criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms “graduation

rate” and “dropout rate”; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.

The vote was:

Yeas—14

Campbell	Geller	Klein	Silver
Dawson-White	Hargrett	Kurth	Thomas
Dyer	Holzendorf	Meek	
Forman	Jones	Mitchell	

Nays—25

Madam President	Clary	Kirkpatrick	Scott
Bronson	Cowin	Laurent	Sebesta
Brown-Waite	Diaz-Balart	Lee	Sullivan
Burt	Grant	McKay	Webster
Carlton	Gutman	Myers	
Casas	Horne	Rossin	
Childers	King	Saunders	

Vote after roll call:

Nay to Yea—Rossin

Senator Campbell moved the following amendment which failed:

Amendment 2 (292562)—On page 11, line 3, after the period (.) insert: *Any school board or school that has implemented a plan for assistance and intervention for low-performing schools as specified in s. 230.23(16)(c) shall not have their funding withheld from the State Board of Education or any other state department or office.*

Senators Holzendorf and Dyer offered the following amendment which was moved by Senator Holzendorf and failed:

Amendment 3 (290142)(with title amendment)—On page 11, line 4 through page 22, line 16, delete those lines and redesignate subsequent sections.

And the title is amended as follows:

On page 1, delete lines 6-20 and insert: amending s.

The vote was:

Yeas—13

Campbell	Geller	Jones	Mitchell
Dawson-White	Hargrett	Klein	Rossin
Dyer	Holzendorf	Kurth	Silver
Forman			

Nays—26

Madam President	Clary	Kirkpatrick	Scott
Bronson	Cowin	Latvala	Sebesta
Brown-Waite	Diaz-Balart	Laurent	Sullivan
Burt	Grant	Lee	Thomas
Carlton	Gutman	McKay	Webster
Casas	Horne	Myers	
Childers	King	Saunders	

Senator Dawson-White moved the following amendment which failed:

Amendment 4 (363450)(with title amendment)—On page 11, line 6 through page 12, line 25, delete those lines and insert:

229.0537 Opportunity Scholarship Program.—

(1) *FINDINGS AND INTENT.—The purpose of this section is to provide enhanced opportunity for students in this state to gain the knowledge and skills necessary for postsecondary education, a technical education, or the world of work. The Legislature recognizes that the voters of the State of Florida, in the November 1998 general election, amended s. 1, Art. IX, of the Florida Constitution so as to make education a paramount duty of the state. The Legislature finds that the State Constitution requires the state to provide the opportunity to obtain a high-quality education. The Legislature further finds that a student should not be com-*

elled, against the wishes of the student's parent or guardian, to remain in a school found by the state to be failing for 2 years in a 4-year period. The Legislature shall authorize school districts to participate in the opportunity scholarship program if they choose to do so by a super-majority vote of the school board membership. If the district chooses to participate in the program, the Legislature shall make available opportunity scholarships in order to give parents and guardians the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent or guardian chooses to apply the equivalent of the public education funds generated by his or her child to the cost of tuition in the eligible private school as provided in paragraph (6)(a). Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose, as delineated in subsection (4).

(2) *OPPORTUNITY SCHOLARSHIP ELIGIBILITY.—If a local school board has chosen to participate in the opportunity scholarship program, a public school student's parent or guardian may request and receive from the state an opportunity scholarship for the child to enroll in and attend a private school in accordance with the provisions of this section if:*

(a) *By assigned school attendance area or by special assignment, the student has spent the prior school year in attendance at a public school that has been designated pursuant to s. 229.57 as performance grade category "F," failing to make adequate progress, and that has had two school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect; or the parent or guardian of a student who has been in attendance elsewhere in the public school system or who is entering kindergarten or first grade has been notified that the student has been assigned to such school for the next school year;*

(b) *The student is a Florida resident; and*

(c) *The parent or guardian has obtained acceptance for admission of the student to a private school eligible for the program pursuant to subsection (4), and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.*

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: authorizing school districts to participate in the opportunity scholarship program by vote of the local school board;

The vote was:

Yeas—13

Campbell	Geller	Jones	Mitchell
Dawson-White	Hargrett	Klein	Rossin
Dyer	Holzendorf	Kurth	Silver
Forman			

Nays—26

Madam President	Clary	Kirkpatrick	Scott
Bronson	Cowin	Latvala	Sebesta
Brown-Waite	Diaz-Balart	Laurent	Sullivan
Burt	Grant	Lee	Thomas
Carlton	Gutman	McKay	Webster
Casas	Horne	Myers	
Childers	King	Saunders	

Senator Forman moved the following amendment which failed:

Amendment 5 (713576)—On page 11, between lines 17 and 18, insert:

(b) *The student has failed to make adequate progress pursuant to s. 229.57, F.S., during the two years during which the assigned school was designated performance grade category "F."*

(Redesignate subsequent paragraphs.)

Senator King moved the following amendment which failed:

Amendment 6 (063782)—On page 12, between lines 17 and 18, insert:

(b) The student has scored in the lowest quartile on statewide assessment tests described in s. 229.57;

(Redesignate subsequent paragraphs.)

The vote was:

Yeas—20

Brown-Waite	Dyer	Holzendorf	Meek
Campbell	Forman	Jones	Mitchell
Carlton	Geller	King	Rossin
Casas	Gutman	Klein	Saunders
Dawson-White	Hargrett	Kurth	Silver

Nays—20

Madam President	Cowin	Latvala	Scott
Bronson	Diaz-Balart	Laurent	Sebesta
Burt	Grant	Lee	Sullivan
Childers	Horne	McKay	Thomas
Clary	Kirkpatrick	Myers	Webster

RECONSIDERATION OF AMENDMENT

Senator Thomas moved that the Senate reconsider the vote by which **Amendment 6** failed. The motion was adopted. The vote was:

Yeas—23

Brown-Waite	Dyer	Jones	Mitchell
Burt	Forman	King	Rossin
Campbell	Geller	Klein	Saunders
Carlton	Gutman	Kurth	Silver
Casas	Hargrett	Latvala	Thomas
Dawson-White	Holzendorf	Meek	

Nays—17

Madam President	Diaz-Balart	Lee	Sullivan
Bronson	Grant	McKay	Webster
Childers	Horne	Myers	
Clary	Kirkpatrick	Scott	
Cowin	Laurent	Sebesta	

The question recurred on **Amendment 6** which was adopted. The vote was:

Yeas—23

Brown-Waite	Dyer	Jones	Mitchell
Campbell	Forman	King	Rossin
Carlton	Geller	Klein	Saunders
Casas	Gutman	Kurth	Silver
Childers	Hargrett	Latvala	Thomas
Dawson-White	Holzendorf	Meek	

Nays—17

Madam President	Diaz-Balart	Lee	Sullivan
Bronson	Grant	McKay	Webster
Burt	Horne	Myers	
Clary	Kirkpatrick	Scott	
Cowin	Laurent	Sebesta	

Senator King moved the following amendment which failed:

Amendment 7 (954680)—On page 12, line 31, after the comma (.) insert: *or the student fails the statewide assessments 2 years in a row.*

The vote was:

Yeas—20

Brown-Waite	Casas	Dyer	Geller
Campbell	Dawson-White	Forman	Hargrett

Holzendorf	Klein	Meek	Sebesta
Jones	Kurth	Mitchell	Silver
King	Latvala	Rossin	Thomas

Nays—20

Madam President	Clary	Horne	Myers
Bronson	Cowin	Kirkpatrick	Saunders
Burt	Diaz-Balart	Laurent	Scott
Carlton	Grant	Lee	Sullivan
Childers	Gutman	McKay	Webster

Senator Rossin moved the following amendment:

Amendment 8 (361236)—On page 12, between lines 17 and 18, insert:

(b) If they are among the lowest 25 percent on statewide assessments and are from low income families as defined by the State Board of Education consistent with s. 240.61(2).

(Redesignate subsequent paragraphs.)

On motion by Senator Cowin, further consideration of **CS for CS for SB 1756** with pending **Amendment 8** was deferred.

MOTION

On motion by Senator McKay, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Thursday, April 15.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 13, 1999: CS for CS for SB 1756, CS for CS for SB 2050, CS for SB 1646, CS for SB 896, CS for SB 1256, CS for CS for SB 1380, SB 1794, CS for CS for SB's 834, 1140 and 1612, SB 1084, CS for SB 1902, CS for SB 2100, CS for SB 284, SB 750, SB 242, CS for CS for SB 660, SB 1642, SB 1036, CS for SB 232, SB 976, SB 1214, SB 1076, CS for SB 244, CS for SB's 54 and 902, CS for SB's 286, 722 and 1074, SB 730, CS for SB 738, CS for SB 912, SB 1178, CS for SB 748, CS for SB 370, CS for SB 772, SB 1182, SB 936, SB 1866, CS for SB 336, SB 330, SB 1292, SB 1816, SB 148, CS for SB 276, CS for CS for SB 980, SB 1020, CS for SB 1238, SB 1472, CS for SB 1978, CS for SB 1326, SB 1144, CS for SB 1168, CS for SB 814, SB 1312, CS for SB 982, CS for SB 1306, SB 874, CS for SB 1606, SB 1832, CS for SB 1162, CS for SB 1070, CS for SB 340, CS for SB 298, CS for SB 724, CS for CS for SB 386, SB 2568, SB 280, SB 1018, SB 1266, SB 282, SB 1538, SB 2018, CS for SB 1314, CS for CS for SB 972, CS for CS for SB 304

Respectfully submitted,
John McKay, Chairman

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, April 15, 1999: CS for CS for SB 1756, CS for CS for SB 2050, CS for SB 1646, CS for SB 896, CS for SB 1256, CS for CS for SB 1380, SB 1794, CS for CS for SB's 834, 1140 and 1612, SB 1084, CS for SB 1902, CS for SB 2100, CS for SB 284, SB 750, SB 242, CS for CS for SB 660, SB 1642, SB 1036, CS for SB 232, SB 976, SB 1214, SB 1076, CS for SB 244, CS for SB's 54 and 902, CS for SB's 286, 722 and 1074, SB 730, CS for SB 738, CS for SB 912, SB 1178, CS for SB 748, CS for SB 370, CS for SB 772, SB 1182, SB 936, SB 1866, CS for SB 336, SB 330, SB 1292, SB 1816, SB 148, CS for SB 276, CS for CS for SB 980, SB 1020, CS for SB 1238, SB 1472, CS for SB 1978, CS for SB 1326, SB 1144, CS for SB 1168, CS for SB 814, SB 1312, CS for SB 982, CS for SB 1306, SB 874, CS for SB 1606, SB 1832, CS for SB 1162, CS for SB 1070, CS for SB 340, CS for SB 298, CS for SB 724, CS for CS for SB 386, SB 2568, SB 280, SB 1018, SB 1266, SB 282, SB 1538, SB 2018, CS for SB 1314, CS for CS for SB 972, CS for CS for SB 304

Respectfully submitted,
John McKay, Chairman

The Committee on Fiscal Resource recommends the following pass: SB 1388, SB 2374

The bills were referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Criminal Justice recommends the following pass: CS for SB 1290

The bill was referred to the Committee on Fiscal Policy under the original reference.

The Committee on Banking and Insurance recommends the following pass: SB 1170

The Committee on Fiscal Resource recommends the following pass: SB 1122, SB 1232, SB 1534 with 2 amendments, SB 1582

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Fiscal Resource recommends a committee substitute for the following: SB 818

The bill with committee substitute attached was referred to the Committee on Commerce and Economic Opportunities under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1176

The Committee on Commerce and Economic Opportunities recommends a committee substitute for the following: SB 1566

The Committee on Judiciary recommends committee substitutes for the following: Senate Bills 914 and 220, CS for SB 2192, CS for SB 2228

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 2092

The bill with committee substitute attached was referred to the Committee on Fiscal Resource under the original reference.

The Committee on Children and Families recommends a committee substitute for the following: SB 1900

The Committee on Judiciary recommends a committee substitute for the following: SB 2000

The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.

The Committee on Fiscal Resource recommends a committee substitute for the following: SB 1846

The bill with committee substitute attached was referred to the Committee on Transportation under the original reference.

The Committee on Fiscal Policy recommends committee substitutes for the following: CS for SB 338, SB 1334, CS for SB 1380, CS for SB 1756, CS for SB 1760 and SB 924, SB 2044, CS for SB 2050

The Committee on Fiscal Resource recommends committee substitutes for the following: SB 1028, SB 2252

The Committee on Judiciary recommends a committee substitute for the following: SB 1430

The bills with committee substitutes attached contained in the foregoing reports were placed on the calendar.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Fiscal Policy; Children and Families; and Senator Cowin—

CS for CS for SB 338—A bill to be entitled An act relating to the protection of children; creating the “Kayla McKean Child Protection Act”; providing legislative intent; amending s. 39.01, F.S.; redefining the term “harm” for purposes of ch. 39, F.S., to include the act of placing a child with another person to avoid or impede a protective investigation; redefining the term “participant” to include providers when designated by the court; amending s. 39.201, F.S.; requiring that a judge report known or suspected child abuse; requiring that the Department of Children and Family Services accept certain reports of child abuse for investigation; providing additional requirements for the department with respect to recording calls on the central abuse hotline; requiring that the department’s quality assurance program review reports made to the hotline which involve a specified number of reports on a single child; amending s. 39.202, F.S.; providing for certain persons who report child abuse to request a summary of the investigation; amending s. 39.205, F.S.; increasing the penalties imposed for failing to report child abuse or preventing the reporting of child abuse, unless the court finds the offender is a victim of domestic violence; amending s. 39.301, F.S.; requiring notification of the appropriate law enforcement agency of reports provided to the department’s district staff; requiring review; requiring criminal investigation, if warranted; requiring that the department maintain certain information on child abuse investigations; providing requirements for assigning multidisciplinary staff to an investigation; requiring that the department adopt rules governing the completion of investigatory activities; revising requirements for conducting risk assessments and onsite child protective investigations; authorizing the department to conduct unannounced visits and interviews; requiring that the department adopt rules specifying criteria under which a child is taken into custody, that a petition be filed with the court, or that an administrative review be held; requiring documentation; requiring that law enforcement agencies participating in an investigation take photographs of the child’s living environment which shall be part of the investigative file; requiring certain training; amending s. 39.302, F.S.; authorizing the department to conduct unannounced visits when conducting an investigation; requiring that the department conduct certain onsite visits; amending s. 39.303, F.S.; providing for a child protection team to include a representative of the school district; providing for medical evaluations in certain cases of child abuse, and neglect; specifying additional conditions that must be evaluated by the child protection team; amending s. 39.304, F.S.; requiring that photographs be taken of visible trauma on a child which shall be part of the investigative file; amending s. 39.306, F.S.; specifying local criminal history information that a law enforcement entity is authorized to share; amending s. 39.402, F.S.; authorizing the court to order that a child remain in the department’s custody for an additional period in order for the court to determine risk to the child; requiring that the department provide certain information to the court at the shelter hearing; creating s. 383.402, F.S.; creating the State Child Abuse Death Review Committee; providing for membership of the committee; specifying the duties of the committee; providing for terms of office; providing for members of the committee to be reimbursed for expenses; providing for counties to establish local child abuse death review committees; providing for membership and duties; authorizing the review committees to have access to information pertaining to the death of a child; authorizing providers to charge a specified fee; authorizing the State Child Abuse Death Review Committee to issue subpoenas; requiring the Department of Health to administer the funds appropriated to operate the review committees; requiring that the Department of Children and Family Services appoint a child abuse death review coordinator in each district; amending s. 409.1671, F.S.; requiring a case-transfer process; requiring that private providers furnish status reports to the Department of Children and Family Services; prohibiting a provider from discontinuing services without the department’s written

notification; requiring that contracts between the department and community-based agencies include provisions for dispute resolution; amending s. 777.03, F.S.; providing that certain actions to assist an offender who has committed child abuse, child neglect, or the manslaughter or murder of a child under a specified age constitute acting as an accessory after the fact; amending s. 827.03, F.S.; increasing the penalties imposed for the offense of aggravated child abuse; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 934.03, F.S.; authorizing the central abuse hotline to record incoming wire communications; amending s. 39.823, F.S., relating to guardian advocates for newborns; conforming a cross-reference to changes made by the act; requiring the Department of Health to develop a plan for county child protection teams; requiring the Department of Children and Family Services to contract with an independent entity to evaluate the central abuse hotline; providing appropriations; providing that certain full-time positions within the Department of Children and Family Services are not subject to position-lapse adjustments in the General Appropriations Act or in agency operation budgets; providing for an analysis and report by the Office of Program Policy Analysis and Government Accountability; providing an effective date.

By the Committee on Fiscal Resource and Senator Sullivan—

CS for SB 818—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.0515, F.S.; revising the calculation of taxes on food, beverages, and other items of tangible personal property sold from vending machines; eliminating the requirement for a certificate; eliminating a monetary penalty; providing an effective date.

By the Committees on Judiciary, Fiscal Policy and Senator Kirkpatrick—

CS for SB's 914 and 220—A bill to be entitled An act relating to grant proposals for county courthouse facilities; authorizing the Supreme Court, through the Department of Management Services, to administer a grant program to provide small counties with funding for the acquisition, renovation, or construction of county courthouse facilities; authorizing small counties to apply for such grants; requiring that the recipient provide certain matching funds; providing for a grant review panel and its membership and terms of office; requiring the review panel to annually recommend grant recipients to the Department of Management Services; providing that the Department of Management Services may not allocate a project grant unless the project is approved by the Legislature; authorizing the Department of Management Services to establish the process and the procedure for submission and review of applications; providing criteria for review of grant applications; providing an effective date.

By the Committee on Fiscal Resource and Senator Mitchell—

CS for SB 1028—A bill to be entitled An act relating to weapons and firearms; amending s. 790.06, F.S.; exempting certain retired law enforcement, correctional, or correctional probation officers from the fees imposed by the Department of State for a license to carry a concealed weapon or firearm; providing an effective date.

By the Committee on Children and Families; and Senator Silver—

CS for SB 1176—A bill to be entitled An act relating to domestic violence; amending s. 25.385, F.S.; providing for instruction for circuit and county judges in domestic violence; redefining the term "domestic violence" for purposes of training provided by the Florida Court Educational Council; defining "judge who has responsibility for cases of domestic violence"; revising duties of the council; providing for a comprehensive domestic violence education plan and tools; requiring the council to develop educational programs on domestic violence; providing the programs may be a part of other programs offered by the Office of State Courts Administrator; providing for maintenance by the office of certain records of judicial attendance of such programs; providing for public

inspection of the records; providing for inclusion of certain information with respect to the programs in the annual report by the council to the Governor and Legislature; amending s. 61.13, F.S.; prohibiting the court from awarding visitation rights to a parent who has been convicted of a capital felony or a first-degree felony that involved domestic violence; providing certain exceptions; requiring that the Supreme Court through The Florida Bar annually report to the Governor and Legislature on its courses of continuing legal education on domestic violence; amending s. 741.28, F.S.; redefining the term "domestic violence" to delete the requirement that the victim and alleged perpetrator reside or have formerly resided in the same dwelling unit; amending s. 741.30, F.S.; revising the degree of danger required for issuance of an injunction for protection against domestic violence; providing for evidence to be presented at a hearing for which both parties have received notice; authorizing the court to enter an order for the protection of minor children against domestic violence; revising notice requirements for a respondent who does not attend the hearing on a temporary injunction; amending s. 784.046, F.S.; authorizing the court to extend an injunction during a continuance; providing an effective date.

By the Committee on Fiscal Policy and Senator Grant—

CS for SB 1334—A bill to be entitled An act relating to the judiciary; amending s. 26.031, F.S.; increasing the number of judges in specified judicial circuits; amending s. 34.022, F.S.; increasing the number of judges in specified county courts; amending s. 35.06, F.S.; increasing the number of judges in specified district courts of appeal; prohibiting the judicial nominating commission from seeking applications or advertising for nominations to fill specified vacancies before a certain date; providing effective dates.

By the Committees on Fiscal Policy, Education and Senator Sullivan—

CS for CS for SB 1380—A bill to be entitled An act relating to the Florida Bright Futures Scholarship Program; amending s. 240.40202, F.S.; providing that a student must be advised that additional funds for higher education may be available by submitting a Free Application for Federal Student Aid; amending s. 240.40203, F.S.; setting a time limit for the receipt of a scholarship; amending s. 240.40205, F.S.; requiring a test score and two levels of maximum annual award for a scholarship; amending s. 240.40206, F.S.; requiring a test score, to be raised in certain increments, and two levels of maximum annual award for a scholarship; amending s. 240.40207, F.S.; requiring the use of a scholarship at certain postsecondary educational institutions; amending s. 240.40208, F.S.; deleting a cross-reference; repealing s. 240.40209, F.S.; relating to awards used at nonpublic postsecondary educational institutions; providing an effective date.

By the Committee on Judiciary and Senator Silver—

CS for SB 1430—A bill to be entitled An act relating to partnership filings administered by the Department of State; amending s. 620.8101, F.S.; defining the terms "foreign limited liability partnership" and "limited liability partnership" and redefining the term "statement"; amending ss. 620.8103, 620.8105, 620.81055, 620.8106, 620.8201, 620.8303, 620.8304, 620.8306, 620.8307, 620.8701, 620.8702, 620.8703, 620.8704, 620.8801, 620.8805, 620.8806, 620.8807, 620.8903, 620.8904, 620.8906, 620.8907, F.S.; conforming statutory cross-references; providing for registration requirements; providing document filing fees; providing for governing law; providing for partners' liability; providing for actions for and against partners; providing for purchase of dissociated interests; providing for settlement and contribution; providing for conversions; providing for the effect of merger; creating ss. 620.9001, 620.9002, 620.9003, 620.9101, 620.9102, 620.9103, 620.9104, 620.9105, 620.187, F.S.; adopting the model act provisions of the limited liability partnership act into the Revised Uniform Partnership Act of 1995; providing for statement of qualification, name, annual report, statement of foreign qualification, effect of failure to qualify, activities not constituting transacting business, action by Attorney General, and limited liability limited partnerships; amending s. 865.09, F.S.; requiring reregistration of a fictitious name upon relocation of a business; providing for conditions for exemption from fictitious name registration; providing for the use of

corporate names; redesignating s. 620.90, F.S., as s. 620.9901, F.S., relating to applicability; redesignating s. 620.91, F.S., as s. 620.9902, F.S., relating to a saving clause; repealing ss. 620.78, 620.781, 620.782, 620.783, 620.784, 620.7851, 620.786, 620.787, 620.788, 620.7885, 620.7887, 620.789, F.S., relating to registered limited liability partnerships; providing for a waiver of protection from liability of the partners in certain limited liability partnerships; providing limitations on the amount of such liability; providing an effective date.

By the Committee on Commerce and Economic Opportunities; and Senator Kirkpatrick—

CS for SB 1566—A bill to be entitled An act relating to economic development; amending s. 14.2015, F.S.; revising provisions relating to the powers and duties of the Office of Tourism, Trade, and Economic Development; providing for the office to facilitate the involvement of the Governor and Lieutenant Governor in job-creating efforts; revising program cross-references; deleting provisions relating to the expenditure of funds for general economic development grants; authorizing the expenditure of certain interest earnings in order to contract for the administration of programs; reducing the number of meetings of leaders in business, government, and economic development which the office must convene annually; eliminating a required report on the status of certain contracts; amending s. 288.0251, F.S.; changing authority to contract for Florida's international volunteer corps to the Department of State from the Office of Tourism, Trade, and Economic Development; amending s. 288.095, F.S.; revising criteria for approval of applications for tax refunds for economic development purposes by the Office of Tourism, Trade, and Economic Development; limiting the amount of refunds that may be made in a fiscal year; amending s. 288.106, F.S.; revising criteria for approval of tax refunds under the tax-refund program for qualified target industry businesses; redefining the terms "expansion of an existing business," "local financial support exemption option," and "rural county"; defining the term "authorized local economic development agency"; extending the refund program to additional counties; revising the amount of refunds; providing requirements for waiver of minimum standards; prescribing duties of the office director; amending s. 288.901, F.S.; expanding an employee lease program under Enterprise Florida, Inc.; revising the membership and appointment process for the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; specifying responsibilities for Enterprise Florida, Inc., relating to rural communities and distressed urban communities, evaluation of the state's competitiveness, and the needs of small and minority businesses; eliminating a requirement for preparation of a business guide and checklist; amending s. 288.90151, F.S.; expressing legislative intent on the return-on-investment of public funds in Enterprise Florida, Inc.; specifying private-sector support for Enterprise Florida, Inc.; requiring a report on the results of customer satisfaction survey; amending s. 288.903, F.S.; revising the required membership of the executive committee of Enterprise Florida, Inc.; deleting certain prescribed powers and duties of the president; requiring a performance-based contract in order to exceed certain employee compensation levels; amending s. 288.904, F.S.; prescribing terms of certain contracts executed by Enterprise Florida, Inc.; authorizing Enterprise Florida, Inc., to create and dissolve advisory committees and similar organizations; amending s. 288.905, F.S.; clarifying the duties of the board of directors of Enterprise Florida, Inc.; eliminating provisions governing the content of the board's strategic plan; requiring involvement of certain local and regional economic development organizations and rural and urban organizations in the policies of Enterprise Florida, Inc.; revising the date for a review of Enterprise Florida, Inc., by the Office of Program Policy Analysis and Government Accountability; amending s. 288.906, F.S.; revising requirements for the annual report of Enterprise Florida, Inc.; amending s. 288.9412, F.S.; revising the membership of the board of directors of the International Trade and Economic Development Board; amending s. 288.9414, F.S.; revising the powers and authority of the board; requiring the board to convene an annual meeting of economic development and international trade development stakeholders; amending ss. 288.9511, 288.9515, 288.95155, 288.9520, 288.9603, 288.9604, 288.9614, 288.9618, F.S.; conforming to the dissolution of certain boards; repealing s. 288.902, F.S., which relates to the Enterprise Florida Nominating Council; repealing s. 288.9512, F.S., which relates to the technology development board; repealing s. 288.9513, F.S., which relates to the organization of the technology development board; repealing s. 288.9514, F.S., which relates to powers and authority of the technology development board; repealing s. 288.9516, F.S., which relates to the annual report of the technology

development board; repealing s. 288.9611, F.S., which relates to the capital development board; repealing s. 288.9612, F.S., which relates to the organization of the capital development board; repealing s. 288.9613, F.S., which relates to the powers and authority of the capital development board; repealing s. 288.9615, F.S., which relates to the annual report of the capital development board; providing for the continuation of certain contracts; providing for the transfer of certain property; directing Enterprise Florida, Inc., to assume responsibilities of the technology development and capital development boards; directing the Division of Statutory Revision to redesignate certain parts in the Florida Statutes; amending s. 288.99, F.S.; specifying that tax credits vested under the Certified Capital Company Act are not to be considered in ratemaking proceedings involving a certified investor; redefining the term "transferee" for purposes of allocating unused premium tax credits; amending s. 220.191, F.S.; providing that credits may be granted against premium tax liability under the capital investment tax credit program; specifying that an insurance company claiming premium tax credits under such program is not required to pay additional retaliatory tax under s. 624.5091, F.S.; amending s. 163.3178, F.S.; requiring certain ports to identify certain spoil disposal sites; requiring such ports to prepare comprehensive master plans; amending s. 163.3187, F.S.; exempting comprehensive plan amendments for port transportation facilities and projects from a time limitation; amending s. 253.77, F.S.; exempting certain ports from paying fees for activities involving the use of sovereign lands; amending s. 288.8155, F.S.; providing that the International Trade Data Resource and Research Center be incorporated as a private nonprofit corporation, and not be a unit or entity of state government; providing for the creation and constitution of a board of directors of the center; authorizing the center to acquire patents, copyrights, and trademarks on its property and publications; amending s. 311.07, F.S.; providing that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program must be consistent with port master plans; exempting certain port transportation facilities and projects from review as developments of regional impact; amending s. 311.09, F.S.; declaring that projects eligible for funding under the Florida Seaport Transportation and Economic Development Program are presumed to be in the public interest; amending s. 311.11, F.S.; providing that the Florida Seaport Transportation and Economic Development Council shall develop a Seaport Training and Employment Program; providing legislative purposes and requirements for the program; creating s. 311.14, F.S.; directing the Florida Seaport Transportation and Economic Development Council to develop freight-mobility and trade-corridor plans; amending s. 380.06, F.S.; exempting certain port projects from review as developments of regional impact; amending s. 380.24, F.S.; making the Department of Environmental Protection exclusively responsible for permitting and enforcement of dredged-material management and other related activities; creating the Americas Campaign; providing legislative findings related to international trade; prescribing the elements of the Americas Campaign; designating a Campaign Council; providing for funding of the Americas Campaign; providing an effective date.

By the Committees on Fiscal Policy, Education and Senators Cowin and McKay—

CS for CS for SB 1756—A bill to be entitled An act relating to educational accountability; amending s. 229.0535, F.S.; revising provisions relating to the authority of the State Board of Education to enforce school improvement; creating s. 229.0537, F.S.; providing findings and intent; requiring private school opportunity scholarships to be provided to certain public school students; providing student eligibility requirements; providing school district requirements; providing an alternative to accepting a state opportunity scholarship; providing private school eligibility criteria; providing student attendance requirements; providing parental involvement requirements; providing a district reporting requirement; providing for calculation of the amount and distribution of state opportunity scholarship funds; authorizing the adoption of rules; amending s. 229.512, F.S.; revising provisions relating to the authority of the Commissioner of Education regarding the implementation of the program of school improvement and education accountability; amending s. 229.555, F.S., relating to educational planning and information systems; revising to conform; amending s. 229.565, F.S.; eliminating the requirement that the Commissioner of Education designate program categories and grade levels for which performance standards are to be approved; amending s. 229.57, F.S.; revising the purpose of the student assessment program; requiring the Department of Education to develop

a system to measure annual pupil progress; requiring the statewide assessment program to include science; revising provisions relating to the administration of the National Assessment of Educational Progress; revising the statewide assessment program; revising requirements relating to the annual report of the results of the statewide assessment program; providing for the identification of schools by performance grade category according to student and school performance data; providing for the identification of school improvement ratings; amending s. 229.58, F.S.; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 229.591, F.S.; revising provisions relating to the system of school improvement and education accountability to reflect that students are not required to attend schools designated in a certain performance grade category; revising the state education goals; amending s. 229.592, F.S., relating to the implementation of the state system of school improvement and education accountability; removing obsolete provisions; removing references to the Florida Commission on Education Reform and Accountability; deleting the requirement that the Commissioner of Education appear before the Legislature; revising duties of the Department of Education; revising duties of the State Board of Education; revising provisions relating to waivers from statutes; conforming cross-references; repealing s. 229.593, F.S., relating to the Florida Commission on Education Reform and Accountability; repealing s. 229.594, F.S., relating to the powers and duties of the commission; amending s. 229.595, F.S., relating to the implementation of the state system of educational accountability for school-to-work transition; revising provisions relating to the assessment of readiness to enter the workforce; removing a reference to the Florida Commission on Education Reform and Accountability; amending s. 230.23, F.S., relating to powers and duties of school boards; revising provisions relating to the compensation and salary schedules of school employees; revising provisions relating to courses of study and other instructional aids to include the term "instructional materials"; revising school board duties regarding the implementation and enforcement of school improvement and accountability; revising policies regarding public disclosure; requiring school board adoption of certain policies; amending s. 231.29, F.S.; revising the assessment procedure for school district instructional, administrative, and supervisory personnel; amending s. 231.2905, F.S.; revising provisions of the Florida School Recognition Program relating to financial awards based on employee performance; revising initial criteria for identification of schools; amending s. 232.245, F.S.; relating to pupil progression; revising requirements relating to the provision of remedial instruction; providing requirements for the use of resources for remedial instruction; requiring the adoption of rules regarding pupil progression; eliminating requirements relating to student academic improvement plans; deleting duplicative requirements relating to mandatory remedial reading instruction; amending s. 228.053, F.S.; relating to developmental research schools; conforming cross-references; amending s. 228.054, F.S., relating to the Joint Developmental Research School Planning, Articulation, and Evaluation Committee; conforming a cross-reference; amending s. 233.17, F.S., relating to the term of adoption of instructional materials; conforming cross-references; amending s. 236.685, F.S., relating to educational funding accountability; conforming a cross-reference; amending s. 20.15, F.S., relating to the creation of the Department of Education; removing a reference to the Florida Commission on Education Reform and Accountability; creating s. 236.08104, F.S.; establishing a supplemental academic instruction categorical fund; providing findings and intent; providing requirements for the use of funds; authorizing the Florida State University School to expend certain funds for student remediation; amending s. 236.013, F.S.; eliminating certain provisions relating to calculations of the equivalent of a full-time student; revising provisions relating to membership in programs scheduled for more than 180 days; amending s. 239.101, F.S., relating to career education; conforming cross-references; amending s. 239.229, F.S., relating to vocational standards; conforming cross-references; amending s. 240.529, F.S., relating to approval of teacher education programs; conforming a cross-reference; reenacting s. 24.121(5)(b), (c), and (d), F.S., relating to the Educational Enhancement Trust Fund, s. 120.81(1)(b), F.S., relating to tests, test scoring criteria, or testing procedures, s. 228.053(3) and (8), F.S., relating to developmental research schools, s. 228.0565(6)(b), (c), and (d), F.S., relating to deregulated public schools, s. 228.301(1), F.S., relating to test security, s. 229.551(1)(c) and (3), F.S., relating to educational management, s. 230.03(4), F.S., relating to school district management, control, operation, administration, and supervision, s. 230.2316(4)(b), F.S., relating to dropout prevention, s. 231.085, F.S., relating to duties of principals, s. 231.24(3)(a), F.S., relating to the process for renewal of professional certificates, s. 231.36(3)(e) and (f), F.S., relating to contracts with instructional staff, supervisors, and principals, s. 231.600(1), F.S., relating to the School Community

Professional Development Act, s. 232.2454(1), F.S., relating to district student performance standards, instruments, and assessment procedures, s. 232.246(5)(a) and (b), F.S., relating to general requirements for high school graduation, s. 232.248, F.S., relating to confidentiality of assessment instruments, s. 232.2481(1), F.S., relating to graduation and promotion requirements for publicly operated schools, s. 233.09(4), F.S., relating to duties of instructional materials committees, s. 233.165(1)(b), F.S., relating to the selection of instructional materials, s. 233.25(3)(b), F.S., relating to publishers and manufacturers of instructional materials, s. 236.08106(2)(a) and (c), F.S., relating to the Excellent Teaching Program, s. 239.229(3), F.S., relating to vocational standards, s. 240.118(4), F.S., relating to postsecondary feedback of information to high schools, to incorporate references; amending s. 228.041, F.S.; redefining the terms "graduation rate" and "dropout rate"; amending s. 228.056, F.S., relating to charter schools; providing for funding; revising terminology relating to assessments; providing effective dates.

By the Committees on Fiscal Policy; Health, Aging and Long-Term Care; and Senators Lee and McKay—

CS for CS for SB 1760 and SB 924—A bill to be entitled An act relating to agricultural pests and diseases; providing legislative intent; creating s. 570.235, F.S.; creating the Pest Exclusion Advisory Committee within the Department of Agriculture and Consumer Services; establishing membership of the advisory committee; providing duties of the advisory committee; requiring a report; creating s. 593.28, F.S.; requiring the Department of Agriculture and Consumer Services to establish a reimbursement program for certain temporary relocation expenses; providing a limitation; amending s. 593.21, F.S.; directing the Department of Health to study the health effects of the aerial application of Malathion; amending s. 593.22, F.S.; requiring earlier notice of the aerial application of a pesticide; providing for diagnostic and treatment costs; providing appropriations; providing an effective date.

By the Committee on Fiscal Resource and Senator Sebesta—

CS for SB 1846—A bill to be entitled An act relating to the tax on diesel fuel; amending s. 206.8745, F.S.; providing for a refund of tax paid on undyed diesel fuel consumed by the engine of a qualified motor coach during idle time for certain purposes; defining "motor coach"; providing restrictions on refunds; providing for proper documentation; granting the Department of Revenue authority to adopt rules; amending s. 206.41, F.S.; providing for sales invoices; providing an effective date.

By the Committee on Children and Families; and Senator Forman—

CS for SB 1900—A bill to be entitled An act relating to provision of social services; creating the Office of Disability Coordination within the Executive Office of the Governor; providing for an advisory board; providing for a working group; establishing terms of office and officers; providing for staff; allowing the executive director to employ consultants and enter into contracts; providing for rules, rights, and benefits applicable to office staff; providing duties of the office; requiring entities serving people who have disabilities to give the office access to certain data; requiring the office to make certain data available to interested parties; requiring the office to produce an annual report and transmit it to the Executive Office of the Governor, to legislative leaders, and to entities that deal with people who have disabilities; requiring a review and a report; providing appropriations; amending s. 393.502, F.S.; amending the membership of the family care councils; amending terms of office; amending s. 216.136, F.S.; requiring the Social Services Estimating Conference to develop forecasts of Medicaid caseloads; requiring the Department of Children and Family Services to provide information on caseloads and waiting lists for certain people who have developmental disabilities; requiring that such information include an annual increase based on certain medical components of the consumer price index-urban; providing an effective date.

By the Committee on Judiciary and Senator Cowin—

CS for SB 2000—A bill to be entitled An act relating to judicial nominating commissions; creating s. 43.291, F.S.; providing for the appointment of members to each judicial nominating commission; prohibiting judges from serving; restricting the appointment of members and former members to judicial offices; providing for terms; prohibiting reappointment with certain exceptions; abolishing prior offices; providing for suspension or removal; requiring consideration of race, gender, and geographical diversity of membership; requiring consideration of county representation on circuit judicial nominating commissions; providing an appropriation; repealing s. 43.29, F.S., relating to judicial nominating commissions; providing effective dates.

By the Committee on Fiscal Policy and Senator Thomas—

CS for SB 2044—A bill to be entitled An act relating to the tobacco lawsuit settlement; providing an appropriation to the Department of Health for disbursement to specified counties to reimburse them for tobacco-related medical costs; providing an effective date.

By the Committees on Fiscal Policy, Education and Senators Lee, Hargrett and Webster—

CS for CS for SB 2050—A bill to be entitled An act relating to school safety and truancy reduction; amending s. 230.23, F.S.; requiring school improvement plans to include additional issues; amending s. 230.2316, F.S.; providing for a dropout prevention and academic intervention program; revising intent of program; revising eligibility criteria; expanding eligible students to grades 1-12; revising reporting requirements for district evaluation; amending s. 231.085, F.S.; requiring principals to ensure the accuracy and timeliness of school reports; requiring principals to provide staff training opportunities; amending s. 231.17, F.S.; providing for additional minimum competencies for professional certification for certain educators; creating s. 232.001, F.S.; allowing the Manatee County District School Board to raise the compulsory age of attendance for children; providing requirements for the school board if it chooses to participate in the pilot project; providing for the applicability of state law and State Board of Education rule; providing an exception from the provisions relating to a declaration of intent to terminate school enrollment; requiring a study; amending s. 232.17, F.S.; providing legislative findings; placing responsibility on school district superintendents for enforcing attendance; establishing requirements for school board policies; revising the current steps for enforcing regular school attendance; requiring public schools to follow the steps; establishing the requirements for school principals, primary teachers, child study teams, and parents; providing for parents to appeal; allowing the superintendent to seek criminal prosecution for parental noncompliance; requiring the superintendent, parent, or guardian to file certain petitions involving ungovernable children in certain circumstances; requiring the superintendent to provide the court with certain evidence; allowing for court enforcement for children who refuse to comply; revising the notice requirements to parents, guardians, or others; eliminating a current condition for notice; eliminating the option for referral to case staffing committees; requiring the superintendent to take steps to bring about criminal prosecution and requiring related notice; authorizing the superintendent to file truancy petitions; allowing for the return of absent children to additional locations; requiring parental notification; amending s. 232.19, F.S., relating to habitual truancy; authorizing superintendents to file truancy petitions; requiring that a court order for school attendance be obtained as a part of services; revising the requirements that must be met prior to filing a petition; amending s. 232.26, F.S.; removing a limitation on the principal's authority to discipline or expel pupils for unlawful possession or use of controlled substances under chapter 893, F.S.; amending s. 232.271, F.S.; revising references; amending s. 236.081, F.S.; amending procedures that must be followed in determining the annual allocation to each school district for operation; requiring the average daily attendance of the student membership to be calculated by school and by district; revising students-at-risk programs; amending s. 239.505, F.S.; revising provisions relating to funding of constructive youth programs; amending s. 240.529, F.S.; providing additional legislative intent related to teacher preparation programs; providing the criteria for continued program approval; providing for the requirements for instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or

internships; eliminating the requirement related to a commitment to teaching in the public schools for a period of time; providing additional requirements for school district and instructional personnel who supervise or direct certain teacher preparation students; amending s. 984.03, F.S.; redefining the term "habitual truant"; requiring the state attorney to file a child-in-need-of-services petition in certain circumstances; eliminating the requirement for referral for evaluation; defining the term "truancy petition"; requiring the appropriate jurisdictional agency to file a petition; creating s. 984.151, F.S.; providing procedures for truancy petitions; providing for truancy hearings and penalties; providing an effective date.

By the Committee on Children and Families; and Senator Sebesta—

CS for SB 2092—A bill to be entitled An act relating to child care; amending s. 110.151, F.S.; modifying duties of state agencies regarding child care programs sponsored by the agencies; amending s. 212.08, F.S.; providing a sales tax exemption for educational materials purchased by child care facilities, under certain conditions; amending s. 402.281, F.S.; providing for Gold Seal Quality Care designation for large family child care homes; amending s. 402.3015, F.S.; increasing the maximum family income for participation in the subsidized child care program; creating s. 402.3016, F.S.; providing for Early Head Start collaboration grants, contingent upon specific appropriations; providing duties of the Department of Children and Family Services; providing for rules; creating s. 402.3017, F.S.; directing the department to establish health care coverage for employees of certain subsidized child care providers through the state employees health insurance program; providing eligibility requirements; providing a schedule of premium participation; amending s. 402.302, F.S.; defining the term "large family child care home"; creating s. 402.3027, F.S.; directing the department to establish a system for the behavioral observation and developmental assessment of young children in subsidized child care programs; providing definitions; providing principles and procedures; amending s. 402.305, F.S.; revising minimum training requirements for child care personnel; providing minimum training requirements for child care facility directors; providing for development of minimum standards for specialized child care facilities for mildly ill children; amending s. 402.3051, F.S.; providing for child care market rate reimbursement for child care providers who hold a Gold Seal Quality Care designation; amending ss. 402.3055, 943.0585, 943.059, F.S.; conforming cross-references; creating s. 402.3108, F.S.; establishing a toll-free telephone line to provide consultation to child care centers and family day care homes, contingent upon specific appropriations; providing for contracts; amending s. 402.313, F.S.; revising requirements relating to the training course for operators of family day care homes; providing a compliance schedule; creating s. 402.3131, F.S.; providing for licensure of large family child care homes; providing a penalty; providing requirements and standards; providing duties of the department; providing for screening of certain persons; providing for rules; providing an effective date.

By the Committees on Judiciary; Children and Families; and Senator Klein—

CS for CS for SB 2192—A bill to be entitled An act relating to civil commitment of sexually violent predators; providing a directive to the Division of Statutory Revision; transferring provisions relating to civil commitment of sexually violent predators to ch. 394, F.S., relating to mental health; amending s. 27.51, F.S.; clarifying duty of the public defender to represent sexually violent predators who are indigent; prohibiting a public defender from representing such persons in civil actions and administrative proceedings; renumbering and amending s. 916.31, F.S.; conforming cross-references; creating s. 394.911, F.S.; declaring legislative intent with respect to procedures to be used for commitment of sexually violent predators; renumbering and amending s. 916.32, F.S.; defining the term "secretary"; redefining the term "sexually violent offense" to revise the applicability of the act; renumbering and amending s. 916.33, F.S.; prescribing additional notice requirements; requiring additional information; revising composition of multidisciplinary teams; providing for additional elements of assessment of offenders; providing clarification on assessments and recommendations to state attorneys; creating s. 394.9135, F.S.; prescribing procedures to be followed for evaluation and filing petitions for offenders being immediately released from confinement; renumbering and amending s. 916.34, F.S.; revising requirements for filing a petition; renumbering and amending s. 916.35,

F.S.; revising procedures relating to determination of probable cause; creating s. 394.9155, F.S.; providing rules of procedure and evidence; renumbering and amending s. 916.36, F.S.; prescribing jury size in a trial to determine whether a person is a sexually violent predator; renumbering and amending s. 916.37, F.S.; revising commitment procedures; providing for payment for counsel and costs in cases involving indigent defendants; renumbering and amending s. 916.38, F.S.; conforming cross-references; renumbering and amending s. 916.39, F.S.; conforming terminology; renumbering and amending s. 916.40, F.S.; revising procedures for petitioning for release; renumbering and amending s. 916.41, F.S.; revising guidelines relating to release of records; renumbering and amending s. 916.42, F.S.; conforming cross-references; renumbering and amending s. 916.43, F.S.; conforming cross-references; renumbering and amending s. 916.44, F.S.; conforming cross-references; renumbering and amending s. 916.45, F.S.; revising provision relating to applicability of act; renumbering and amending s. 916.46, F.S.; revising notice requirements upon release of persons committed as sexually violent predators; renumbering and amending s. 916.47, F.S.; providing requirement to notify specified persons upon escape of person committed as sexually violent predators; renumbering and amending s. 916.48, F.S.; conforming cross-references; renumbering and amending s. 916.49, F.S.; conforming cross-references; creating s. 394.930, F.S.; directing the Department of Children and Family Services to adopt certain rules; requiring the Department of Corrections to produce quarterly reports; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and report to the Legislature; providing an effective date.

By the Committees on Judiciary; Health, Aging and Long-Term Care; and Senator Klein—

CS for CS for SB 2228—A bill to be entitled An act relating to end-of-life care; providing legislative findings; authorizing the Secretary of Health to develop and implement demonstration projects; requiring reports; requesting the Chancellor of the State University System to convene a working group; amending ss. 395.1041, 400.142, 400.4255, 400.487, 400.6095, 400.621, F.S.; authorizing personnel of hospital emergency services, long-term care facilities, assisted living facilities, home health agencies, hospices, and adult family-care homes to withhold or withdraw cardiopulmonary resuscitation pursuant to an order not to resuscitate; providing for rules; providing certain protection from prosecution and liability; amending s. 401.45, F.S.; revising authority of emergency medical technicians and paramedics to withhold or withdraw resuscitation or life-prolonging techniques; directing the Department of Health to develop a standardized do-not-resuscitate identification system; authorizing a fee; providing for rules; amending ss. 455.604, 458.319, 459.008, F.S.; providing that courses on end-of-life care will fulfill certain education requirements; amending s. 732.912, F.S.; revising provisions relating to who may make anatomical gifts; amending ss. 732.914, 732.917, F.S.; correcting cross-references; amending s. 732.922, F.S.; conforming provisions relating to duty of certain hospital administrators; amending s. 765.101, F.S.; revising definitions; defining the terms "persistent vegetative state" and "end-stage condition"; amending s. 765.102, F.S.; revising legislative intent relating to advance directives; amending s. 765.103, F.S.; providing for effect of existing advance directives; amending s. 765.104, F.S.; providing for amendment of an advance directive or designation of a surrogate; amending s. 765.107, F.S.; providing nonapplicability to certain persons; amending s. 765.110, F.S.; prohibiting certain actions by a health care facility or provider with respect to a patient's advance directive; increasing a penalty; requiring that advance directives become part of patients' medical records; providing for rules; amending s. 765.204, F.S.; revising provisions relating to evaluation of a patient's capacity to make health care decisions; amending s. 765.205, F.S.; revising responsibilities of the surrogate; amending s. 765.301, F.S.; correcting a cross-reference; amending s. 765.302, F.S.; revising procedure for making a living will; amending s. 765.303, F.S.; revising suggested form of a living will; amending s. 765.304, F.S.; revising procedure for implementing a living will; amending s. 765.305, F.S.; revising procedure in the absence of a living will; amending s. 765.306, F.S.; revising provisions relating to determination of the patient's condition; renumbering and amending s. 765.308, F.S.; providing for transfer of a patient under certain circumstances; renumbering and amending s. 765.310, F.S.; providing penalties for falsification, forgery, or willful concealment, cancellation, or destruction of an advance directive, or a revocation or amendment thereof; amending s. 765.401, F.S.; revising provisions relating to decisions by a proxy; creating s. 765.404, F.S.;

providing conditions for withholding or withdrawing life-prolonging procedures for certain persons in a persistent vegetative state; directing the Department of Elderly Affairs to convene a workgroup to develop model advance directive forms; repealing s. 3(6) of ch. 98-327, Laws of Florida, relating to repeal of the Panel for the Study of End-of-Life Care; continuing the panel until a specified date; providing an appropriation; providing effective dates.

By the Committee on Fiscal Resource and Senator Latvala—

CS for SB 2252—A bill to be entitled An act relating to certified capital companies; amending s. 288.99, F.S.; redefining the term "transferee" for purposes of allocating unused premium tax credits; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 199, HB 257, HB 735, HB 817, HB 989; has passed as amended CS for HB 183, HB 209, HB 229, HB 281, HB 295, CS for CS for HB 301, CS for HB 423, CS for HB 425, HB 1789, HB 1791; has passed as amended by the required Constitutional two-thirds vote of the membership HB 1953 and requests the concurrence of the Senate.

John B. Phelps, Clerk

By the Committee on Crime and Punishment; and Representative Waters and others—

CS for HB 199—A bill to be entitled An act relating to trespass upon the grounds or facilities of a school; renumbering and amending s. 228.091, F.S.; providing for the offense of trespass upon the grounds or facilities of a school to apply to a trespass upon the grounds or facilities of a nonpublic school; defining the term "school"; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Representative Wiles—

HB 257—A bill to be entitled An act relating to the Florida School for the Deaf and the Blind; amending ss. 235.014 and 235.017, F.S., relating to educational facilities; authorizing the Department of Management Services to provide facilities services for the Florida School for the Deaf and the Blind; amending s. 236.1229, F.S.; providing for Florida School Improvement and Academic Achievement Trust Fund grants to the Florida School for the Deaf and the Blind; providing for allocation and school-level administration; amending s. 242.3305, F.S.; revising provisions relating to mission and responsibilities of the Florida School for the Deaf and the Blind; amending s. 287.059, F.S.; authorizing private attorney services for the Florida School for the Deaf and the Blind without certain prior written approval; providing an effective date.

—was referred to the Committees on Education and Fiscal Policy.

By Representative Farkas and others—

HB 735—A bill to be entitled An act relating to the Health Facilities Authorities Law; amending s. 154.209, F.S.; revising language with respect to the power of the authority concerning an accounts receivable program; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By Representative Futch and others—

HB 817—A bill to be entitled An act relating to motor vehicle lease disclosure; amending s. 521.004, F.S.; requiring disclosure to the lessee, prior to the time the lease is signed as to the effect with respect to the lease contract if the lessee or co-lessee dies before the expiration of the contract; providing an effective date.

—was referred to the Committee on Transportation.

By Representative C. Green—

HB 989—A bill to be entitled An act relating to physician assistants; amending s. 458.347, F.S.; authorizing certain students of the former Florida College of Physician's Assistants to sit for the examination for licensure as a physician assistant; requiring prior completion of incomplete or additionally required clinical rotations and providing requirements therefor; authorizing temporary licensure; providing for licensure of successful examinees; providing for fees; providing for future repeal; providing an effective date.

—was referred to the Committee on Health, Aging and Long-Term Care.

By the Committee on Crime and Punishment; and Representative Fasano and others—

CS for HB 183—A bill to be entitled An act relating to sentencing; amending s. 775.085, F.S.; reclassifying penalties relating to offenses evidencing prejudice; amending s. 794.023, F.S.; reclassifying offenses involving multiple perpetrators of sexual battery; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By Representative Bitner and others—

HB 209—A bill to be entitled An act relating to alcohol sales; amending s. 567.01, F.S.; providing for local option elections to determine sales of intoxicating liquors, wines, or beer by the drink; amending s. 567.06, F.S.; providing ballot instructions for local option elections; amending s. 567.07, F.S.; providing for a local option election for sole purpose of determining whether intoxicating liquors, wines, or beer may be sold by the drink for consumption on premises; providing an effective date.

—was referred to the Committees on Regulated Industries; and Comprehensive Planning, Local and Military Affairs.

By Representative Crady and others—

HB 229—A bill to be entitled An act relating to weapons and firearms; providing that a nonresident who is a United States citizen may carry a concealed weapon or firearm in this state if the nonresident has attained a specified age and holds a valid license to carry a concealed weapon or firearm issued in another state; providing that a nonresident is subject to the same laws and restrictions as a licensee in Florida; providing that an out-of-state license to carry a concealed weapon or firearm remains in effect for a certain period following the date on which the holder of the license establishes legal residence in this state; specifying how legal residence is established; providing applicability; providing an effective date.

—was referred to the Committee on Criminal Justice.

By Representative Detert and others—

HB 281—A bill to be entitled An act relating to election protests and contests; amending s. 102.166, F.S., relating to protests of election returns; revising provisions with respect to the timeframes for filing elec-

tion protests and requests for manual recounts; eliminating protests of election returns in circuit court; amending s. 102.167, F.S.; deleting the provision that prescribes the form of the protest of election returns to circuit judge, to conform; amending s. 102.168, F.S., relating to election contests; revising the timeframe for filing a contest of election; specifying the grounds authorized for contesting an election; specifying conditions under which a statement of the grounds of contest may not be rejected or dismissed for want of form; providing for service of the complaint upon the defendant and any other person named therein and providing a timeframe for filing an answer or response thereto; specifying that the contestant is entitled to an immediate hearing; authorizing the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation, prevent or correct any wrong, and provide any relief appropriate under the circumstances; creating s. 102.171, F.S.; codifying that jurisdiction to hear a contest of the election of a member to either house of the Legislature is vested in the applicable house in accordance with its rules; providing applicability to certain primary elections; providing an effective date.

—was referred to the Committees on Ethics and Elections; and Rules and Calendar.

By Representative Villalobos and others—

HB 295—A bill to be entitled An act relating to insurance; amending s. 627.739, F.S.; relating to personal injury protection; authorizing insured certain multiple deductible elections; requiring certain premium reductions; providing requirements for offers of certain limitations; providing for unenforceability against certain persons or entities of charges for certain services under certain circumstances; providing a definition; providing a limitation; providing an exception; providing an effective date.

—was referred to the Committee on Banking and Insurance.

By the Committees on Judiciary; Real Property and Probate; and Representative Goodlette and others—

CS for CS for HB 301—A bill to be entitled An act relating to probate; amending s. 732.201, F.S.; revising language with respect to the right to elective share; creating s. 732.2025, F.S.; providing definitions; creating s. 732.2035, F.S.; providing for property entering into the elective estate; creating s. 732.2045, F.S.; providing for exclusions and overlapping application; amending s. 732.205, F.S.; providing for the valuation of the elective estate; amending s. 732.206, F.S.; providing for the elective share amount; amending s. 732.207, F.S.; providing for the sources from which the elective share is payable; providing for abatement; amending s. 732.208, F.S.; providing for the liability of direct recipients and beneficiaries; amending s. 732.209, F.S.; providing for the valuation of the property used to satisfy the elective share; amending s. 732.210, F.S.; providing for the effect of the election on other interests; amending s. 732.211, F.S.; providing for the protection of payors and other third parties; amending s. 732.212, F.S.; providing who may exercise the right of election; amending s. 732.213, F.S.; providing for the time of election; providing for extensions and for withdrawal; amending s. 732.214, F.S.; providing for the order of contribution; providing for the personal representative's duty to collect contributions; amending s. 732.215, F.S.; providing for the effective date, inapplicability of ch. 61, F.S., the effect of prior waivers, and transition rules; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Crime and Punishment; and Representative Argenziano and others—

CS for HB 423—A bill to be entitled An act relating to trial testimony concerning sexual offenses; amending s. 918.16, F.S.; requiring that the court clear the courtroom at the request of a victim during his or her testimony concerning a sexual offense, regardless of the victim's age or mental capacity; providing certain exceptions; providing an effective date.

—was referred to the Committee on Judiciary.

By the Committee on Judiciary and Representative Sanderson and others—

CS for HB 425—A bill to be entitled An act relating to robbery by sudden snatching; creating s. 812.131, F.S.; defining the offense of robbery by sudden snatching; providing penalties for robbery by sudden snatching; providing construction; amending s. 921.0022, F.S.; providing for ranking robbery by sudden snatching within levels 5 and 7 categories of the offense severity ranking chart; providing an effective date.

—was referred to the Committees on Criminal Justice and Fiscal Policy.

By the Committee on General Appropriations and Representative Pruitt and others—

HB 1789—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 1999, and ending June 30, 2000, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was referred to the Committee on Budget.

By the Committee on General Appropriations and Representative Pruitt and others—

HB 1791—A bill to be entitled An act relating to implementing the 1999-2000 General Appropriations Act; providing legislative intent; amending s. 239.115, F.S.; suspending certain funding provisions for workforce development education; amending s. 239.117, F.S.; suspending certain postsecondary student fee provisions for workforce development education; amending s. 239.301, F.S.; suspending certain provisions relating to evaluation and funding of adult basic and secondary education and vocational-preparatory courses; amending s. 240.3341, F.S.; authorizing community colleges to lease their incubator facilities for small business concerns; amending s. 409.9115, F.S.; specifying how the Agency for Health Care Administration shall make payments for the Medicaid disproportionate share program for mental health hospitals; requiring the Agency for Health Care Administration to use a specified disproportionate share formula, specified audited financial data, and a specified Medicaid per diem rate in fiscal year 1999-2000 for qualifying hospitals; amending s. 409.9116, F.S.; providing a formula for rural hospital disproportionate share payments; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services and the Department of Health to advance certain moneys for certain contract services; directing the Agency for Health Care Administration to include health maintenance organization recipients in the county billing for a specified purpose; authorizing the Departments of Children and Family Services, Revenue, Labor and Employment Security, and Health and the Agency for Health Care Administration to transfer positions and funds to comply with the 1998-1999 General Appropriations Act or the WAGES Act; amending s. 216.181, F.S.; authorizing the Department of Children and Family Services to use certain funds for fixed capital outlay expenditures to meet certain federal standards; requiring the Agency for Health Care Administration to take necessary actions to ensure that expenditures for Medicaid transportation do not exceed the amount budgeted and to take certain steps if that becomes impossible; amending s. 409.912, F.S.; requiring the Agency for Health Care Administration to develop a program on prescription practice patterns; amending s. 402.3015, F.S.; expanding eligibility for subsidized child care to certain children; amending s. 39.3065, F.S.; providing for the Broward County sheriff to conduct all child protective investigations in that county; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer some positions and associated budget and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission and the Department of Juvenile Justice to make certain expenditures to defray costs incurred by a municipality or county as a result of opening and operating a facility of the commission or the department; amending s. 403.7095, F.S.; revising the expiration date of the solid waste management grant program; requiring a specified level of funding for counties receiving solid waste management and recycling grants; providing for allocation of funds for innovative programs to ad-

dress recycling practices and procedures; authorizing the Administration Commission to approve exceptions to state personnel, payroll, and benefit rules, policies, and practices and exemptions from certain statutory provisions relating to state employees for a specified pilot project; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 259.032, F.S.; authorizing the appropriation of certain funds in the Conservation and Recreation Lands Trust Fund for outdoor recreation grants; amending s. 373.59, F.S.; requiring release of certain moneys by the Secretary of Environmental Protection to water management districts, upon request; amending s. 86, ch. 93-213, Laws of Florida, as amended; deferring repayment requirements for certain funding provided to the state NPDES program; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; providing for deposit and use of such fees; providing for employment rights and benefits of pari-mutuel laboratory employees under certain circumstances; amending s. 216.181, F.S.; authorizing the Department of Transportation to transfer salary rate to the turnpike budget entity to facilitate transfer of personnel to the new turnpike headquarters; amending s. 253.034, F.S.; authorizing the Department of Transportation to sell certain property utilized by the Department of Highway Safety and Motor Vehicles; amending s. 334.0445, F.S.; extending authorization for the model career service classification and compensation system; amending s. 15.09, F.S.; authorizing the appropriation of funds from the Public Access Data Systems Trust Fund for the operations of the Department of State; amending s. 252.373, F.S.; providing for the transfer of certain funds for the purchase of radios for use by state and local entities in emergencies; providing for future repeal of various provisions; providing performance measures and standards for individual programs in specific agencies for the 1999-2000 fiscal year; adopting performance measures for certain agencies to use in preparing their fiscal year 2000-2001 legislative budget requests; requiring such agencies to propose standards and associated costs for such measures; providing effect of veto of specific appropriation or proviso to which implementing language refers; providing applicability to other legislation; providing severability; providing an effective date.

—was referred to the Committee on Fiscal Policy.

By the Committee on Finance and Taxation; and Representative Albright and others—

HB 1953—A bill to be entitled An act relating to school impact fees; prohibiting any county which was not levying such a fee on January 1, 1999, from levying such fee during a specified period; limiting the amount of such fees that may be collected by a county during that period; providing procedures for reimbursing a county for revenues lost during that period based on fees which exceed the limitation which were in effect prior thereto; providing duties of the Comptroller; specifying the purposes for which such reimbursed funds may be used; providing for rules; creating a Florida School Impact Fee Policy Commission; providing for appointment and qualifications of members; providing administrative duties of the Legislative Committee on Intergovernmental Relations; providing duties of the commission; providing for a report; providing an appropriation; providing an effective date.

—was referred to the Committees on Comprehensive Planning, Local and Military Affairs; and Fiscal Policy.

RETURNING MESSAGES ON HOUSE BILLS

The Honorable Toni Jennings, President

The Speaker has appointed the following Representatives as conferees on the part of the House on HB 775: Rep. Feeny, Chair, Reps. Bitner, Byrd, Constantine, Minton, and Alternates Reps. Bradley and Levine.

John B. Phelps, Clerk

CONFEREES APPOINTED

The President appointed the following Senators to the Conference Committee on Civil Litigation Reform (HB 775): Senator Latvala,

Chairman; Senators Grant, Laurent, Lee and Silver; Alternate, Senator Kurth

CO-SPONSORS

Senators Bronson—SB 1996, SB 2636; Campbell—SB 2520; Childers—SB 2636; Clary—SB 2636; Cowin—SB 2636; Grant—SB 2636; Hargrett—CS for CS for SB 252, CS for CS for SB 256; Mitchell—SB 2520

RETURNING MESSAGES—FINAL ACTION

The Honorable Toni Jennings, President

I am directed to inform the Senate that the House of Representatives has passed SB 114, CS for CS for SB 740, SB 954, CS for SB 1280 and SB 1514.

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

JOINT SELECT COMMITTEE APPOINTED

The President appointed the following Senators to the Joint Select Committee on Collective Bargaining: Senator Webster, Co-Chairman; Senators Diaz-Balart and Rossin

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 8 was corrected and approved.

RECESS

On motion by Senator McKay, the Senate recessed at 1:00 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Thursday, April 15.

SENATE PAGES

April 12-16

Tamika Bennett, St. Petersburg; Sidney C. "Sid" Bigham III, Tallahassee; Sean P. Brooks, Ocala; Dakarai S. Calhoun, Tallahassee; Konata K. Calhoun, Tallahassee; Yessilyn L. "Yessi" Camacho, Miami Lakes; Jasmine Chestnut, Tallevast; Courtney Marissa Crockett, Lauderdale Lakes; Leah E. Edwards, Quincy; Scott Effman, Sunrise; Katie Grant, Clermont; Michael Ryan Guinn, Ocala; Heather Hatch, Branford; Sean Kantrowitz, Sunrise; Stephen Overholser, Tallahassee; Emily Shelby, Cantonment; Sara Beth Suber, Quincy; Andrew Tyrrell, Winter Garden