April 4, 2002

The Honorable John M. McKay
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:

Your Conference Committee on the disagreeing votes of the two houses on HB 1-D, same being:

> An act relating to education and matters relating thereto; rearranging, renumbering, rewording, streamlining, consolidating, and updating the education code to reflect current law and the K-20 governance structure; providing effective dates.

having met, and after full and free conference, do recommend to their respective houses as follows:

1. That the Senate recede from its amendment 1.

2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.

Sen. J. Alex Villalobos, Chair

Rep. Johnnie Byrd, Co-Chair

Sen. Rudy Garcia

Rep. Jerry Melvin, Co-Chair

Sen. Ron Klein

Rep. Ralph Arza

Sen. Lesley "Les" Miller, Jr.

Rep. Dennis Baxley

Sen. Donald Sullivan

Rep. Heather Fiorentino

Rep. Bev Kilmer

Rep. Eleanor Sobel

Rep. Frederica Wilson

Conference Report on HB 1-D
Changes in bill sent to conference

1. Creates an Alzheimer's Institute at USF.
2. Contains a directive from the Legislature to Statutory Revision (division of the Legislature) to edit the 2002 Florida Statutes to incorporate any amendments or laws passed in the 2002 regular or subsequent special sessions into the new chapters of the school code created in the school code bill.
3. Amends McKay scholarship program to do the following:
    - Removes requirement that the parent notify the school district in writing of intent to participate in the program.
    - Adds ability for parent to notify DOE electronically of intent to participate in program.
    - Removes May 1 date by which private schools must notify DOE of intent to participate in the program.
4. Revises the purpose of charter schools to make some current provisions required and others permissive. Exempts charter schools from fees for building permits, impact fees, service availability fees, etc. Provides that if the DOE's annual legislative budget request for charter school capital outlay identifies in writing a dedicated funding source it may be considered an additional source of funding.
5. Allows the Florida School for the Deaf and Blind to carry forward funds in the same manner as universities.
6. Requires the State Board of Education to adopt rules providing for the award of a standard high school diploma to holders of GEDs who are assessed as meeting designated criteria and the Commissioner must establish procedures for administering the assessment. This would allow students with GED to enter the military.
7. Requires school districts to annually provide to each high school student a complete Florida Bright Futures Scholarship report and key. Requires disclosure that Bright Futures GPA may differ from school GPA.
8. Requires instructional and administrative personnel with knowledge that a sexual battery has been committed by a student on another student to report to law enforcement.
9. Requires postsecondary educational institutions to provide information about the risks associated with meningitis and Hepatitis B to every student accepted for admission. Requires documentation of vaccination for residential students (with a waiver provision).
10. States that no accommodations can be made on the FCAT that jeopardize the validity of the FCAT.
11. Requires each school board to adopt a K-12 foreign language curriculum plan by June 30, 2004.
12. Prior to participating in athletics, student's physical evaluations must advise them to complete cardiovascular assessment.
13. Notwithstands provisions that require principals to have educator certification, which will allow school boards to hire school principals who meet the district's

adopted alternative principal certification and who do not have educator certification.

14. Prohibits district school board members from hiring, employing, or appointing a relative to work under that member's direct supervision.
15. Adds an additional requirement that the school superintendent fully inform the parent of all available services appropriate for the student's disability.
16. Requires school board members to set their own pay annually at the first public meeting following the organizational meeting after the election.
17. A "designee" of the President is authorized to chair the nonprofit board of directors of Shands.
18. Narrows the liability exemption related to student athletes who opt out of medical examinations.
19. Amends the population size requirements for school districts to be audited by the Auditor General annually from 125,000 to 150,000.

Conference Report

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
1	**Alzheimer's Institute** 1004.445	Creates an Alzheimer's Institute at USF.	Creates the Ronald Reagan Alzheimer's Institute at USF.	Creates an Alzheimer's Institute at USF.	H
2	**Alzheimer's Institute appropriation** 1004.445	Provides an appropriation for the Alzheimer's Institute at USF. ($20 million capital outlay to USF and $5 million each in operating funds to USF, Mayo Clinic in Jax, UF, and UM).	Does not contain an appropriation.	No appropriation	S
3	**Basic Religious Freedoms** 1002.20	Contains a verbatim reprint of a joint statement of current case law by the American Jewish Congress, the ACLU, et al. The religious rights include the following *paraphrased*: 1. Students right to pray individually or in groups so long as they are not disruptive. 2. Students may express their religious beliefs in homework and artwork. 3. Students have the right to distribute religious literature within same restrictions as all nonschool literature. 4. Students have the right to participate in "see you at the pole" events. 5. Students have the right to speak to their peers about religious topics the same as political topics. 6. Student religious clubs in secondary schools have the right to equal access if the school permits any other noninstructional club to meet.	Does not include these basic student religious freedoms.	Contains basic student religious freedoms with appropriate limitations that reflect current case law as adopted by amendment in committee on HB 7-D.	H MOD
4	**Directive to Statutory Revision** **(Pari materia)**	Preserves bills that pass during the 2002 regular and subsequent special sessions. Contains a directive from the Legislature to Statutory Revision (division of the	Preserves bills that pass during the 2002 regular session in a different way. Senate bill contains a directive language to Statutory Revision which would give precedence	Preserves bills that pass during the 2002 regular and subsequent special sessions. Contains a directive from the Legislature to Statutory Revision (division of the Legislature) to edit the 2002	H

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
		Legislature) to edit the 2002 Florida Statutes to incorporate any amendments or laws passed in the 2002 regular or subsequent special sessions into the new chapters of the school code created in the school code bill. *This language was prepared by Statutory Revision, House Bill Drafting, and House General Counsel.*	over the school code rewrite bill to any education bill or provision passed during the regular or special sessions. Also directs Statutory Revision to prepare a reviser's bill, if necessary. *This language was prepared by Senate bill drafting and Senate general counsel.*	Florida Statutes to incorporate any amendments or laws passed in the 2002 regular or subsequent special sessions into the new chapters of the school code created in the school code bill.	
5	**Building and Road Designations**	Does not include road and building designations.	- Renovated transplant housing at UF Shands as "Gerold L. Schiebler/Shands Transplant Housing Complex." - FAMU school of business as "Sybil C. Mobley Business Building." - FAMU health building as "Jacqueline B. Beck-Margaret W. Lewis Allied Health Building." - FAMU architecture building as "Walter L. Smith Architecture Building." - UCF Downtown Center as "James and Annie Ying Academic Center." - UCF Downtown Center as "James and Annie Ying Academic Center." - FGCU student/community facility as "Kleist Health Education Center." - FGCU gymnasium as "Alico Arena." - FCGU demonstration building as "WCI Green Building Demonstration and Learning Center." - New College foundation building as "Keating Center." - FAU nursing building as "Christine E. Lynn Nursing Building." - John and Mable Ringling Museum of Art entrance pavilion in Sarasota as the "John McKay Center for the Arts." - The two east-west roads on the north and south sides of the Esplanade leading to the John and Mable Ringling Museum of Art in	Does not include road and building designations.	H

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
			Sarasota between Bayshore Road and U.S. Highway are designated the "John McKay Boulevard of the Cultural Arts." - Requires DOT to erect suitable markers bearing the designation in at least one place on US Highway 41. - State of Florida Office Complex in Fort Myers is designated as the "Joseph P. D'Alessandro Office Complex" and requires DMS to erect suitable markers.		
6	**McKay Scholarships** 1002.39	Does not include these changes to the McKay Scholarships.	Amends McKay scholarship program to do the following: - Removes requirement that the parent notify the school district in writing of intent to participate in the program. - Adds ability for parent to notify DOE electronically of intent to participate in program. - Removes May 1 date by which private schools must notify DOE of intent to participate in the program. - Technical terminology changes.	Amends McKay scholarship program to do the following: - Removes requirement that the parent notify the school district in writing of intent to participate in the program. - Adds ability for parent to notify DOE electronically of intent to participate in program. - Removes May 1 date by which private schools must notify DOE of intent to participate in the program.	S
7	**Charter Schools** 1013.62(5) 1002.33	- Reorganizes the charter school statute to make more user-friendly. - Cleans up technical problems with current statute	- Retains current charter school law. - Does not clean up technical problems with current statute. - Amends current charter school law to revise the purpose of charter schools to make some current provisions required and others permissive. - Exempts charter schools from fees for building permits, impact fees, service availability fees, etc. - Provides that if the DOE's annual legislative budget request for charter school capital outlay identifies in writing a dedicated funding source it may be considered an additional source of funding.	- Reorganizes the charter school statute to make more user-friendly. - Cleans up technical problems with current statute - Amends current charter school law to revise the purpose of charter schools to make some current provisions required and others permissive. - Exempts charter schools from fees for building permits, impact fees, service availability fees, etc. - Provides that if the DOE's annual legislative budget request for charter school capital outlay identifies in writing a dedicated funding source it may be considered an additional source of funding.	S MOD

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
8	**FSD&B – Title to property** 1002.36	Does not contain this provision.	- Deletes language that property and title of the FSDB school vests in the State Board of Education. - Vests title to real property purchased with state funds with the Internal Improvement Trust Fund, if not purchased with state funds, then title vests with the board of the FSDB school.	No further changes to Florida School for the Deaf and the Blind.	H
9	**FSD&B – eminent domain** 1002.36	Does not contain this provision.	- Allows the FSDB school to exercise eminent domain with approval from the State Board of Education.	No further changes to Florida School for the Deaf and the Blind.	H
10	**FSD&B – LBR** 1002.36	Does not contain this provision.	- Requires the legislative budget request for the school to be made in consultation with the president of the school.	No further changes to Florida School for the Deaf and the Blind.	H
11	**FSD&B – law enforcement** 1002.36	Does not contain this provision.	- Adds powers to the FSDB law enforcement to allow them to collect traffic fines.	No further changes to Florida School for the Deaf and the Blind.	H
12	**FSD&B – Carry forward funds** 1011.57(4)	Does not contain this provision.	- Allows the FSDB to carry forward funds in the same manner as universities.	Allows the FSDB to carry forward funds in the same manner as universities.	S
13	**GED students obtaining high school diploma** 1003.435(6)	Requires the State Board of Education to adopt rules providing for the award of a standard high school diploma to holders of GEDs who are assessed as meeting designated criteria and the Commissioner must establish procedures for administering the assessment. *This would allow students with GED to enter military.*	Does not contain this provision.	Requires the State Board of Education to adopt rules providing for the award of a standard high school diploma to holders of GEDs who are assessed as meeting designated criteria and the Commissioner must establish procedures for administering the assessment.	H
14	**Commission for Independent Education.**	- Effective date of Chapter 1005 – relating to nonpublic postsecondary education effective January 7, 2003 when the Constitutional provisions relating to the State Board of Education come into	- Makes the effective date of Chapter 1005 – relating to nonpublic postsecondary education take effect October 1, 2002. - Removes the 1 member on the Commission from religious colleges who are not subject to	- Effective date of Chapter 1005 – relating to nonpublic postsecondary education effective January 7, 2003 when the Constitutional provisions relating to the State Board of Education come into effect. - Retains 1 member on the Commission from religious	H

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
	1005.21(2)(d) Chapter 1005	effect. - Retains 1 member on the Commission from religious colleges who are not subject to the jurisdiction of the Commission.	the jurisdiction of the Commission and instead provides for 2 lay members.	colleges who are not subject to the jurisdiction of the Commission.	
15	**Site-based Baccalaureate needs analysis** 1007.33(2)	Does not contain the requirement of the needs analysis.	Encourages the community colleges and universities to do a needs analysis for baccalaureate degrees by December 31, 2002. Requires that future proposals for site-based baccalaureates must tie back to unmet need in the needs analysis that must be conducted by the 2002 deadline.	Does not include these provisions on site-based baccalaureate.	H
16	**State Board oversight authority** 1008.32	Allows the State Board of Education to withhold certain funds as part of the oversight authority for K-20.	Limits the withholding of funds by the State Board of Education to only public schools that have not met the requirements of 1008.33(4).	Allows the State Board of Education to withhold certain funds as part of the oversight authority for K-20.	H
17	**Bright Futures scholarship reporting** 1009.531	Does not contain this provision.	- Requires school districts to annually provide to each high school student a complete Florida Bright Futures Scholarship report and key. - Requires disclosure that Bright Futures GPA may differ from school GPA.	- Requires school districts to annually provide to each high school student a complete Florida Bright Futures Scholarship report and key. - Requires disclosure that Bright Futures GPA may differ from school GPA.	S
18	**Reporting of Sexual battery offenses** 1012.799	Does not contain this provision.	Requires instructional and administrative personnel with knowledge that a sexual battery has been committed by a student on another student to report to law enforcement.	Requires instructional and administrative personnel with knowledge that a sexual battery has been committed by a student on another student to report to law enforcement.	S
19	**Effort Index Grants** 1013.73	Does not contain this provision.	Restructures formula to provide state financial assistance to high growth districts. *If $10 million provided, approximately $9 million would be distributed Osceola and $1 million to Marion County.*	Does not contain this revised program.	H
20	**Meningitis vaccination** 381.0421	Does not contain this provision.	Requires postsecondary educational institutions to provide information about the risks associated with meningitis and Hepatitis B to every student accepted for admission.	Requires postsecondary educational institutions to provide information about the risks associated with meningitis and Hepatitis B to every student accepted for admission.	S

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
			Requires documentation of vaccination for residential students (with a waiver provision.)	Requires documentation of vaccination for residential students (with a waiver provision.)	
21	**FCAT accommodation / validity panel** 1008.22	Does not contain the provision for the validity panel. States that no accommodations can be made on the FCAT that jeopardize the validity of the FCAT.	Requires the Governor to convene a validity panel to make comprehensive recommendations on the impacts of specific accommodations on the FCAT to the SBE by October 1, 2002. Provides that present rules control regarding which accommodations may be made on the FCAT. Beginning February 2003, the validity panel recommendations will determine what is allowable as an accommodation.	Does not contain the provision for the validity panel. States that no accommodations can be made on the FCAT that jeopardize the validity of the FCAT.	H
22	**School-within-a-school / Small Schools** 1003.02 1013.43	Does not contain this provision.	- Adds an additional description of what constitutes a school-within-a-school of: a physical plant design housing students in buildings which surround the core structure. - Increases the small school requirements for middle and high schools from 700 to 900 and 900 to 1,200, respectively. - Adds exceptions that would allow districts to not comply with small schools provisions.	Retains current law related to small schools and school-within-a-school.	H
23	**Foreign language curriculum plan**	Does not contain this provision	Requires each school board to adopt a K-12 foreign language curriculum plan by June 30, 2004, to be implemented in the 2006-2007 school year. DOE must provide technical assistance. Must provide a budget for the first year.	Requires each school board to adopt a K-12 foreign language curriculum plan by June 30, 2004.	S MOD
24	**Recruitment of students for political campaigns** 1012.803	Does not contain this provision.	Prohibits any instructor at a university or community college that receives compensation for providing services to a candidate for public office related to his or her election campaign from recruiting a student to provide services for the candidate's election campaign or provide academic credit to a student for providing such services.	Does not contain this provision.	H
25	**High school physical examinations**	Does not contain this provision.	Prior to participating in athletics, student's physical evaluations must advise them to complete cardiovascular assessment.	Prior to participating in athletics, student's physical evaluations must advise them to complete cardiovascular assessment.	S

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
	1006.20				
26	**Medical Malpractice, Comparative Fault, and other legal issues** 766.112 768.28 626.852 627.912	Does not contain these provisions.	Transfers provisions relating to comparative fault to university boards, but broadens remedies to include judgments and settlements instead of just damages. Provides change of venue for university boards relating to sovereign immunity actions. Provides for inapplicability for provisions relating to insurance adjustors to employees and agents of university boards.	Does not contain these provisions.	H
27	**Principal alternative certification** 1001.42(5)	Notwithstands provisions that require principals to have educator certification to allow school boards to hire school principals who meet the districts adopted alternative principal certification and who do not have educator certification.	Allows school boards to hire school principals who meet the districts adopted alternative principal certification and who do not have educator certification. Does not notwithstand provisions of law that require principals to hold educator certification. Requires the State Board of Education, in consultation with FASA to adopt rules prescribing minimum qualifications and coursework in educational leadership for principals.	Notwithstands provisions that require principals to have educator certification to allow school boards to hire school principals who meet the districts adopted alternative principal certification and who do not have educator certification.	H
28	**School Readiness** 1000.02	Does not contain this provision	Adds that the first policy and guiding principle for the K-20 education system is: “to ensure that every child is ready for school.”	Does not contain this provision	H
29	**Parental Responsibility** 1002.20	Contains provision that states that parents are responsible to ready their children for school and that the state cannot guarantee each individual student’s success.	Removes this language.	Contains provision that states that parents are responsible to ready their children for school and that the state cannot guarantee each individual student’s success.	H
30	**Required Instruction on Discrimination** 1003.42	Does not contain this provision.	Adds to required instruction for high school students: the teaching of ramifications on society and individuals of discrimination based on identify, or expression of race, color, religion, national origin, marital status, sex, gender, handicap, or sexual orientation.	Does not contain this required instruction.	H

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
31	**Architectural procurement services** 287.055	Does not contain this provision.	Includes state universities and community colleges as state agencies for purposes of procurement of architectural procurement services.	Does not contain this provision.	H
32	**Nepotism**	Does not contain this provision.	Prohibits district school board members from hiring, employing, or appointing a relative to work under that member's direct supervision.	Prohibits district school board members from hiring, employing, or appointing a relative to work under that member's direct supervision.	S
33	**ESE Services** 1003.57	Does not contain this provision.	Adds an additional requirement that the school superintendent ensure that the parent is fully informed of all available services appropriate for the student's disability.	Adds an additional requirement that the school superintendent must fully inform parents of all available services appropriate for the student's disability.	S MOD
34	**Maximum Class Size** 1003.03	Does not contain this provision.	Requires the Legislature to make adequate provision so that by 2010, the maximum number of public school students to each core curriculum teacher in PreK-3 (18), grades 4-8 (22), grades 9-12 (25). Requires the SBE, beginning 2003-2004 to include necessary amount within its budget request to reduce class size by 2 students. Requires the Legislature to act annually. Creates a Maximum Class Size Funding Commission. Requires the Commission to determine a stable source of state funds sufficient to implement the class size provisions. Provides a $100,000 appropriation for the Commission.	Does not contain any new class size provisions.	H
35	**Millennium High Schools**	Does not contain this provision.	Creates the industry-certified career technical education (Millennium High School) program to track students in specific careers during high school to prepare for postsecondary education.	Does not contain this provision.	H
36	**Workforce Development and Community**	Does not contain these provisions.	- Replaces "workforce development" terminology with "career and technical." - Provides 8% of total revenue as fee waiver authority.	Does not contain the fee provisions.	H

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
	College Student Fees 1009.22 1009.23		- Changes the date of the adoption of the fee schedule from December 31 to January 31. - Permits fees to vary by course and section. - Creates a separate fee that is capped at 20% of matriculation and tuition that replaces 3 current fees and allows the new fee to be used for additional purposes not currently authorized by law. - Changes current law relating to penalty for excess waivers. - Expands use of matriculation and tuition fees beyond instruction. - **Creates a new fee** for community colleges capped at 20% of matriculation and tuition to be used for student activity & service, financial aid, and capital improvements. - Requires a community college financial aid fee of not less than 5% of tuition. - Authorizes a **new fee** for use of transportation.		
37	**School Board Pay** 1001.395	Requires school board members to set their own pay annually at the first public meeting following the organizational meeting after the election.	Restores current law relating to school board member salaries. Gives school board members the option to conduct a referendum to allow voters to decide whether or not they should set their own pay.	Requires school board members to set their own pay annually at the first public meeting following the organizational meeting after the election.	H
38	**Shands Board of Trustees** 1001.41	Does not contain this provision.	A "designee" of the President is authorized to chair the nonprofit board of directors of Shands.	A "designee" of the President is authorized to chair the nonprofit board of directors of Shands.	S
39	**Energy efficient contracting** 1013.23	Does not contain this provision.	Removes an exception so that at all times school districts, community colleges, and universities must use energy performance contractors selected in compliance with chapter 287.	Does not contain this provision.	H
40	**Student Athletes / Liability** 1006.20	Narrows the liability exemption related to student athletes who opt out of medical examinations by precluding liability for injuries suffered by the student as a result of participation in athletics, unless the injury was caused by unlawful activity, gross	Narrows the liability exemption related to student athletes who opt out of medical examinations by precluding liability if the injury could have been prevented had the person been provided with a medical evaluation regarding the student.	Narrows the liability exemption related to student athletes who opt out of medical examinations by precluding liability if the injury arises directly from the student's participation in interscholastic athletics would have been revealed in the medical evaluation is the proximate cause of the injury or death.	S MOD

#	Issue	House Bill 1-D	Senate Bill 2-D (HB 1-D amended)	Conference Position	
		negligence, or willful and wanton misconduct.			
41	**Annual Audits** 11.45	NEW ISSUE: Amends the population size requirements for school districts to be audited by the Auditor General annually from 125,000 to 150,000.	Does not contain this provision.	Amends the population size requirements for school districts to be audited by the Auditor General annually from 125,000 to 150,000.	H

Amendment No. ___ (for drafter's use only)

CHAMBER ACTION

Senate | House

ORIGINAL STAMP BELOW

The Conference Committee on HB 1-D offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Chapter 1000, Florida Statutes, shall be entitled "K-20 General Provisions" and shall consist of ss. 1000.01-1000.21.

Section 2. Part I of chapter 1000, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1000.01-1000.06.

Section 3. Section 1000.01, Florida Statutes, is created to read:

1000.01 The Florida K-20 Education System; technical provisions.--

(1) NAME.--Chapters 1000 through 1013 shall be known and cited as the "Florida K-20 Education Code."

(2) LIBERAL CONSTRUCTION.--The provisions of the Florida K-20 Education Code shall be liberally construed to the end that its objectives may be effected. It is the

legislative intent that if any section, subsection, sentence, clause, or provision of the Florida K-20 Education Code is held invalid, the remainder of the code shall not be affected.

(3) PURPOSE.--The purpose of the Florida K-20 Education Code is to provide by law for a state system of schools, courses, classes, and educational institutions and services adequate to allow, for all Florida's students, the opportunity to obtain a high quality education. The Florida K-20 education system is established to accomplish this purpose; however, nothing in this code shall be construed to require the provision of free public education beyond grade 12.

(4) UNIFORM SYSTEM OF PUBLIC K-12 SCHOOLS INCLUDED.--As required by s. 1, Art. IX of the State Constitution, the Florida K-20 education system shall include the uniform system of free public K-12 schools. These public K-12 schools shall provide 13 consecutive years of instruction, beginning with kindergarten, and shall also provide such instruction for students with disabilities, gifted students, limited English proficient students, and students in Department of Juvenile Justice programs as may be required by law. The funds for support and maintenance of the uniform system of free public K-12 schools shall be derived from state, district, federal, and other lawful sources or combinations of sources, including any fees charged nonresidents as provided by law.

(5) EDUCATION GOVERNANCE TRANSFERS.--

(a) Effective July 1, 2001:

1. The Board of Regents is abolished.

2. All of the powers, duties, functions, records, personnel, and property; unexpended balances of

appropriations, allocations, and other funds; administrative authority; administrative rules; pending issues; and existing contracts of the Board of Regents are transferred by a type two transfer, pursuant to s. 20.06(2), to the Florida Board of Education.

3. The State Board of Community Colleges is abolished.

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

5. The Postsecondary Education Planning Commission is abolished.

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

7. All personnel, unexpended balances of appropriations, and allocations of the Postsecondary Education Planning Commission are transferred to the Council for Education Policy Research and Improvement.

8. The Articulation Coordinating Committee and the Education Standards Commission are transferred by a type two transfer, pursuant to s. 20.06(2), from the Department of Education to the Florida Board of Education.

(b) All rules of the State Board of Education, the Commissioner of Education, and the Department of Education, and all rules of the district school boards, the community college boards of trustees, and the state university boards of

trustees, in effect on January 2, 2003, remain in effect until specifically amended or repealed in the manner provided by law.

(c) Effective January 7, 2003:

1. The administrative rules of the Department of Education and the Commissioner of Education shall become the rules of the State Board of Education.

2. The administrative rules of the State Board of Education shall become the rules of the appointed State Board of Education.

(d) All administrative rules of the State Board of Education, the Commissioner of Education, and the Department of Education are transferred by a type two transfer, as defined in s. 20.06(2), Florida Statutes, to the appointed State Board of Education.

(e) This act creating the Florida K-20 Education Code shall not affect the validity of any judicial or administrative action involving the Department of Education, pending on January 7, 2003. This act shall not affect the validity of any judicial or administrative action involving the Commissioner of Education or the State Board of Education, pending on January 7, 2003, and the appointed State Board of Education shall be substituted as a party of interest in any such action.

Section 4. Section 1000.02, Florida Statutes, is created to read:

1000.02 Policy and guiding principles for the Florida K-20 education system.--

(1) It is the policy of the Legislature:

(a) To achieve within existing resources a seamless academic educational system that fosters an integrated

continuum of kindergarten through graduate school education for Florida's students.

(b) To promote enhanced academic success and funding efficiency of educational delivery systems by aligning responsibility with accountability.

(c) To provide consistent education policy across all educational delivery systems, focusing on students.

(d) To provide substantially improved articulation across all educational delivery systems.

(e) To provide for the decentralization of authority to the schools, community colleges, universities, and other education institutions that deliver educational services to the public.

(f) To ensure that independent education institutions and home education programs maintain their independence, autonomy, and nongovernmental status.

(2) The guiding principles for Florida's K-20 education system are:

(a) A coordinated, seamless system for kindergarten through graduate school education.

(b) A system that is student-centered in every facet.

(c) A system that maximizes education access and allows the opportunity for a high quality education for all Floridians.

(d) A system that safeguards equity and supports academic excellence.

(e) A system that provides for local operational flexibility while promoting accountability for student achievement and improvement.

Section 5. Section 1000.03, Florida Statutes, is created to read:

1000.03 Function, mission, and goals of the Florida K-20 education system.--

(1) Florida's K-20 education system shall be a decentralized system without excess layers of bureaucracy. The State Board of Education may appoint on an ad hoc basis a committee or committees to assist it on any and all issues within the K-20 education system. Florida's K-20 education system shall maintain a systemwide technology plan based on a common set of data definitions.

(2)(a) The Legislature shall establish education policy, enact education laws, and appropriate and allocate education resources.

(b) The State Board of Education shall oversee the enforcement of all laws and rules, and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

(c) The Commissioner of Education shall serve as chief executive officer of the K-20 education system. The commissioner shall be responsible for enforcing compliance with the mission and goals of the K-20 education system. The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system.

(3) Public education is a cooperative function of the state and local educational authorities. The state retains responsibility for establishing a system of public education through laws, standards, and rules to assure efficient operation of a K-20 system of public education and adequate educational opportunities for all individuals. Local educational authorities have a duty to fully and faithfully

comply with state laws, standards, and rules and to efficiently use the resources available to them to assist the state in allowing adequate educational opportunities.

(4) The mission of Florida's K-20 education system is to allow its students to increase their proficiency by allowing them the opportunity to expand their knowledge and skills through adequate learning opportunities, in accordance with the mission statement and accountability requirements of s. 1008.31.

(5) The priorities of Florida's K-20 education system include:

(a) Learning and completion at all levels, including increased high school graduation rate and readiness for postsecondary education without remediation.--All students demonstrate increased learning and completion at all levels, graduate from high school, and are prepared to enter postsecondary education without remediation.

(b) Student performance.--Students demonstrate that they meet the expected academic standards consistently at all levels of their education.

(c) Alignment of standards and resources.--Academic standards for every level of the K-20 education system are aligned, and education financial resources are aligned with student performance expectations at each level of the K-20 education system.

(d) Educational leadership.--The quality of educational leadership at all levels of K-20 education is improved.

(e) Workforce education.--Workforce education is appropriately aligned with the skills required by the new global economy.

(f) Parental, student, family, educational institution, and community involvement.--Parents, students, families, educational institutions, and communities are collaborative partners in education, and each plays an important role in the success of individual students. Therefore, the State of Florida cannot be the guarantor of each individual student's success. The goals of Florida's K-20 education system are not guarantees that each individual student will succeed or that each individual school will perform at the level indicated in the goals.

Section 6. Section 1000.04, Florida Statutes, is created to read:

1000.04 Components for the delivery of public education within the Florida K-20 education system.--Florida's K-20 education system provides for the delivery of public education through publicly supported and controlled K-12 schools, community colleges, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state.

(1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; workforce development education; area technical centers; adult, part-time, career and technical, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.

(2) PUBLIC POSTSECONDARY EDUCATIONAL INSTITUTIONS.--Public postsecondary educational institutions include workforce development education; community colleges;

colleges; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.

(3) FLORIDA SCHOOL FOR THE DEAF AND THE BLIND.--The Florida School for the Deaf and the Blind is a component of the delivery of public education within Florida's K-20 education system.

(4) THE FLORIDA VIRTUAL SCHOOL.--The Florida Virtual School is a component of the delivery of public education within Florida's K-20 education system.

Section 7. Section 1000.05, Florida Statutes, is created to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.--

(1) This section may be cited as the "Florida Educational Equity Act."

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.

(b) The criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender,

disability, or marital status.

(c) All public K-20 education classes shall be available to all students without regard to race, ethnicity, national origin, gender, disability, or marital status; however, this is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.

(d) Students may be separated by gender for any portion of a class that deals with human reproduction or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall stress access to academic, career and technical opportunities for students without regard to race, ethnicity, national origin, gender, disability, or marital status.

(3)(a) No person shall, on the basis of gender, be excluded from participating in, be denied the benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a public K-20 educational institution; and no public K-20 educational institution shall provide athletics separately on such basis.

(b) Notwithstanding the requirements of paragraph (a),

a public K-20 educational institution may operate or sponsor separate teams for members of each gender if the selection for such teams is based upon competitive skill or the activity involved is a bodily contact sport. However, when a public K-20 educational institution operates or sponsors a team in a particular sport for members of one gender but does not operate or sponsor such a team for members of the other gender, and athletic opportunities for that gender have previously been limited, members of the excluded gender must be allowed to try out for the team offered.

(c) This subsection does not prohibit the grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to gender. However, when use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one gender, the educational institution shall use appropriate standards which do not have such effect.

(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available, the Commissioner of Education shall consider, among other factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.

2. The provision of equipment and supplies.

3. Scheduling of games and practice times.

4. Travel and per diem allowances.

5. Opportunities to receive coaching and academic

tutoring.

6. Assignment and compensation of coaches and tutors.

7. Provision of locker room, practice, and competitive facilities.

8. Provision of medical and training facilities and services.

9. Provision of housing and dining facilities and services.

10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public K-20 educational institution operates or sponsors separate teams do not constitute nonimplementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public K-20 educational institution may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Educational institutions within the state public K-20 education system shall develop and implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career and technical education.

(5) The State Board of Education shall adopt rules to implement this section.

(6) The functions of the Office of Equal Educational Opportunity of the Department of Education shall include, but are not limited to:

(a) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of public K-20 educational agencies to determine compliance with this section and, after a finding that an educational agency is not in compliance with this section, notifying the agency of the steps that it must take to attain compliance and performing followup monitoring.

(c) Providing technical assistance, including assisting public K-20 educational agencies in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing followup monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing followup monitoring.

(e) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to submit data and information necessary to determine

compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force an educational agency to conduct, nor penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board, community college board of trustees, or state university board of trustees found to be out of compliance with rules of the State Board of Education adopted as required by paragraph (f) or paragraph (3)(d). To penalize the board, the State Board of Education shall:

1. Declare the educational agency ineligible for competitive state grants.

2. Notwithstanding the provisions of s. 216.192, direct the Comptroller to withhold general revenue funds sufficient to obtain compliance from the educational agency.

The educational agency shall remain ineligible and the funds shall not be paid until the agency comes into compliance or the State Board of Education approves a plan for compliance.

(7) A person aggrieved by a violation of this section or a violation of a rule adopted under this section has a right of action for such equitable relief as the court may determine. The court may also award reasonable attorney's fees and court costs to a prevailing party.

Section 8. Section 1000.06, Florida Statutes, is created to read:

1000.06 Display of flags.--Every public K-20 educational institution that is provided or authorized by the Constitution and laws of Florida shall display daily the flag of the United States and the official flag of Florida when the weather permits upon one building or on a suitable flagstaff upon the grounds of each public postsecondary educational institution and upon every district school board building or grounds except when the institution or school is closed for vacation, provided that, if two or more buildings are located on the same or on adjacent sites, one flag may be displayed for the entire group of buildings.

Section 9. Part II of chapter 1000, Florida Statutes, shall be entitled "Systemwide Definitions" and shall consist of s. 1000.21.

Section 10. Section 1000.21, Florida Statutes, is created to read:

1000.21 Systemwide definitions.--As used in the

1 Florida K-20 Education Code:
2 (1) "Articulation" is the systematic coordination that
3 provides the means by which students proceed toward their
4 educational objectives in as rapid and student-friendly manner
5 as their circumstances permit, from grade level to grade
6 level, from elementary to middle to high school, to and
7 through postsecondary education, and when transferring from
8 one educational institution or program to another.
9 (2) "Commissioner" is the Commissioner of Education.
10 (3) "Community college," except as otherwise
11 specifically provided, includes the following institutions and
12 any branch campuses, centers, or other affiliates of the
13 institution:
14 (a) Brevard Community College.
15 (b) Broward Community College.
16 (c) Central Florida Community College.
17 (d) Chipola Junior College.
18 (e) Daytona Beach Community College.
19 (f) Edison Community College.
20 (g) Florida Community College at Jacksonville.
21 (h) Florida Keys Community College.
22 (i) Gulf Coast Community College.
23 (j) Hillsborough Community College.
24 (k) Indian River Community College.
25 (l) Lake City Community College.
26 (m) Lake-Sumter Community College.
27 (n) Manatee Community College.
28 (o) Miami-Dade Community College.
29 (p) North Florida Community College.
30 (q) Okaloosa-Walton Community College.
31 (r) Palm Beach Community College.

1 (s) Pasco-Hernando Community College.
2 (t) Pensacola Junior College.
3 (u) Polk Community College.
4 (v) St. Johns River Community College.
5 (w) St. Petersburg College.
6 (x) Santa Fe Community College.
7 (y) Seminole Community College.
8 (z) South Florida Community College.
9 (aa) Tallahassee Community College.
10 (bb) Valencia Community College.
11 (4) "Department" is the Department of Education.
12 (5) "Parent" is either or both parents of a student,
13 any guardian of a student, any person in a parental
14 relationship to a student, or any person exercising
15 supervisory authority over a student in place of the parent.
16 (6) "State university," except as otherwise
17 specifically provided, includes the following institutions and
18 any branch campuses, centers, or other affiliates of the
19 institution:
20 (a) The University of Florida.
21 (b) The Florida State University.
22 (c) The Florida Agricultural and Mechanical
23 University.
24 (d) The University of South Florida.
25 (e) The Florida Atlantic University.
26 (f) The University of West Florida.
27 (g) The University of Central Florida.
28 (h) The University of North Florida.
29 (i) The Florida International University.
30 (j) The Florida Gulf Coast University.
31 (k) New College of Florida.

(7) "Sunshine State Standards" are standards that identify what public school students should know and be able to do. These standards delineate the academic achievement of students for which the state will hold its public schools accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects of language arts, mathematics, science, social studies, the arts, health and physical education, foreign languages, reading, writing, history, government, geography, economics, and computer literacy.

Section 11. Part III of chapter 1000, Florida Statutes, shall be entitled "Educational Compacts" and shall consist of ss. 1000.31-1000.34.

Section 12. Section 1000.31, Florida Statutes, is created to read:

1000.31 Regional education; state policy.--It is hereby declared to be the policy of the state to promote the development and maintenance of regional education services and facilities in the Southern States in the professional, technological, scientific, literary and other fields so as to provide greater educational advantages for the citizens of the state and the citizens in the several states in said region; and it is found and determined by the Legislature of the state that greater educational advantages and facilities for the citizens of the state in certain phases of the professional, technological, scientific, literary and other fields in education can best be accomplished by the development and maintenance of regional educational services and facilities, under the plan embodied in "The Regional Pact" hereinafter adopted; and this law shall be liberally construed to accomplish such purposes.

Section 13. Section 1000.32, Florida Statutes, is

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created to read:

1000.32 Regional compact.--The compact entered into by the state and other Southern States by and through their respective governors on February 8, 1948, as amended, relative to the development and maintenance of regional education services and schools in the Southern States in the professional, technological, scientific, literary and other fields so as to promote greater educational facilities for the citizens of the several states who reside in said region, a copy of said compact, as amended, being as follows:

THE REGIONAL COMPACT

(as amended)

WHEREAS, The States who are parties hereto have during the past several years conducted careful investigation looking toward the establishment and maintenance of jointly owned and operated regional educational institutions in the Southern States in the professional, technological, scientific, literary, and other fields, so as to provide greater educational advantages and facilities for the citizens of the several states who reside within such region; and

WHEREAS, Meharry Medical College of Nashville, Tennessee, has proposed that its lands, buildings, equipment, and the net income from its endowment be turned over to the Southern States, or to an agency acting in their behalf, to be operated as a regional institution for medical, dental and nursing education upon terms and conditions to be hereafter agreed upon between the Southern States and Meharry Medical College, which proposal, because of the present financial condition of the institution, has been approved by the said

states who are parties hereto; and

WHEREAS, the said states desire to enter into a compact with each other providing for the planning and establishment of regional educational facilities;

NOW, THEREFORE, in consideration of the mutual agreements, covenants and obligations assumed by the respective states who are parties hereto (hereinafter referred to as "states"), the said several states do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting states which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent states and derived from other sources for the establishment, acquisition, operation and maintenance of regional educational schools and institutions for the benefit of citizens of the respective states residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

The states do further hereby establish and create a joint agency which shall be known as the Board of Control for Southern Regional Education (hereinafter referred to as the "board"), the members of which board shall consist of the governor of each state, ex officio, and four additional citizens of each state to be appointed by the governor thereof, at least one of whom shall be selected from the field of education, and at least one of whom shall be a member of the legislature of that state. The governor shall continue as a member of the board during his or her tenure of office as governor of the state, but the members of the board appointed by the governor shall hold office for a period of four years

except that in the original appointments one board member so appointed by the governor shall be designated at the time of his or her appointment to serve an initial term of two years, one board member to serve an initial term of three years, and the remaining board member to serve the full term of four years, but thereafter the successor of each appointed board member shall serve the full term of four years. Vacancies on the board caused by death, resignation, refusal or inability to serve, shall be filled by appointment by the governor for the unexpired portion of the term. The officers of the board shall be a chair, a vice chair, a secretary, a treasurer, and such additional officers as may be created by the board from time to time. The board shall meet annually and officers shall be elected to hold office until the next annual meeting. The board shall have the right to formulate and establish bylaws not inconsistent with the provisions of this compact to govern its own actions in the performance of the duties delegated to it including the right to create and appoint an executive committee and a finance committee with such powers and authority as the board may delegate to them from time to time. The board may, within its discretion, elect as its chair a person who is not a member of the board, provided such person resides within a signatory state, and upon such election such person shall become a member of the board with all the rights and privileges of such membership. This paragraph as amended in 1957 shall be effective when eight or more of the states party to the compact have given legislative approval to the amendment.

It shall be the duty of the board to submit plans and recommendations to the states from time to time for their approval and adoption by appropriate legislative action for

the development, establishment, acquisition, operation and maintenance of educational schools and institutions within the geographical limits of the regional area of the states, of such character and type and for such educational purposes, professional, technological, scientific, literary, or otherwise, as they may deem and determine to be proper, necessary or advisable. Title to all such educational institutions when so established by appropriate legislative actions of the states and to all properties and facilities used in connection therewith shall be vested in said board as the agency of and for the use and benefit of the said states and the citizens thereof, and all such educational institutions shall be operated, maintained and financed in the manner herein set out, subject to any provisions or limitations which may be contained in the legislative acts of the states authorizing the creation, establishment and operation of such educational institutions.

In addition to the power and authority heretofore granted, the board shall have the power to enter into such agreements or arrangements with any of the states and with educational institutions or agencies, as may be required in the judgment of the board, to provide adequate services and facilities for the graduate, professional, and technical education for the benefit of the citizens of the respective states residing within the region, and such additional and general power and authority as may be vested in the board from time to time by legislative enactment of the said states.

Any two or more states who are parties of this compact shall have the right to enter into supplemental agreements providing for the establishment, financing and operation of regional educational institutions for the benefit of citizens

residing within an area which constitutes a portion of the general region herein created, such institutions to be financed exclusively by such states and to be controlled exclusively by the members of the board representing such states provided such agreement is submitted to and approved by the board prior to the establishment of such institutions.

Each state agrees that, when authorized by the legislature, it will from time to time make available and pay over to said board such funds as may be required for the establishment, acquisition, operation and maintenance of such regional educational institutions as may be authorized by the states under the terms of this compact, the contribution of each state at all times to be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the bureau of the census of the United States of America; or upon such other basis as may be agreed upon.

This compact shall not take effect or be binding upon any state unless and until it shall be approved by proper legislative action of as many as six or more of the states whose governors have subscribed hereto within a period of eighteen months from the date hereof. When and if six or more states shall have given legislative approval to this compact within said eighteen months period, it shall be and become binding upon such six or more states sixty days after the date of legislative approval by the sixth state and the governors of such six or more states shall forthwith name the members of the board from their states as hereinabove set out, and the board shall then meet on call of the governor of any state approving this compact, at which time the board shall elect

officers, adopt bylaws, appoint committees and otherwise fully organize. Other states whose names are subscribed hereto shall thereafter become parties hereto upon approval of this compact by legislative action within two years from the date hereof, upon such conditions as may be agreed upon at the time. Provided, however, that with respect to any state whose constitution may require amendment in order to permit legislative approval of the compact, such state or states shall become parties hereto upon approval of this compact by legislative action within seven years from the date hereof, upon such conditions as may be agreed upon at the time.

After becoming effective this compact shall thereafter continue without limitation of time; provided, however, that it may be terminated at any time by unanimous action of the states and provided further that any state may withdraw from this compact if such withdrawal is approved by its legislature, such withdrawal to become effective two years after written notice thereof to the board accompanied by a certified copy of the requisite legislative action, but such withdrawal shall not relieve the withdrawing state from its obligations hereunder accruing up to the effective date of such withdrawal. Any state so withdrawing shall ipso facto cease to have any claim to or ownership of any of the property held or vested in the board or to any of the funds of the board held under the terms of this compact.

If any state shall at any time become in default in the performance of any of its obligations assumed herein or with respect to any obligation imposed upon said state as authorized by and in compliance with the terms and provisions of this compact, all rights, privileges and benefits of such defaulting state, its members on the board and its citizens

shall ipso facto be and become suspended from and after the date of such default. Unless such default shall be remedied and made good within a period of one year immediately following the date of such default this compact may be terminated with respect to such defaulting state by an affirmative vote of three-fourths of the members of the board (exclusive of the members representing the state in default), from and after which time such state shall cease to be a party to this compact and shall have no further claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of this compact, but such termination shall in no manner release such defaulting state from any accrued obligation or otherwise affect this compact or the rights, duties, privileges or obligations of the remaining states thereunder.

IN WITNESS WHEREOF this compact has been approved and signed by governors of the several states, subject to the approval of their respective legislatures in the manner hereinabove set out, as of the 8th day of February, 1948.

STATE OF FLORIDA BY Millard F. Caldwell, Governor. STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA BY J. H. Davis, Governor. STATE OF ALABAMA BY James E. Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright, Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester, Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

be and the same is hereby approved and the State of Florida is hereby declared to be a party to said compact and the agreements, covenants and obligations contained therein are hereby declared to be binding upon the State of Florida.

Section 14. Section 1000.33, Florida Statutes, is created to read:

1000.33 Copies to other states approving.--After the effective date of this law the Secretary of State of Florida shall furnish to each of the states approving the said compact an engrossed copy of this bill.

Section 15. Section 1000.34, Florida Statutes, is created to read:

1000.34 Member jurisdictions.--The compact for education is entered into with all jurisdictions legally joining therein and enacted into law in the following form:

COMPACT FOR EDUCATION

ARTICLE I

PURPOSE AND POLICY.--

A. It is the purpose of this compact to:

1. Establish and maintain close cooperation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters

relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

B. It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

C. The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

ARTICLE II

STATE DEFINED.--

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

ARTICLE III

THE COMMISSION.--

A. The Education Commission of the States, hereinafter called "the commission," is hereby established. The commission shall consist of seven members representing each party state. One of such members representing Florida shall be the governor; two shall be members of the state senate appointed by the president; two shall be members of the house of representatives appointed by the speaker; and two shall be appointed by and serve at the pleasure of the governor. The guiding principle for the composition of the membership on the commission shall be that the members, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional, public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed ten nonvoting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

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B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to Article IV and adoption of the annual report pursuant to Article III, J.

C. The commission shall have a seal.

D. The commission shall elect annually, from among its members, a chair, who shall be a governor, a vice chair and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and, together with the treasurer and such other personnel as the commission may deem appropriate, shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

E. Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director, subject to the approval of the steering committee, shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

F. The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party jurisdictions or their subdivisions.

G. The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation, or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph F of this Article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant, or services borrowed, and the identity of the donor or lender.

H. The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold, and convey real and personal property and any interest therein.

I. The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

J. The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The

commission may make such additional reports as it may deem desirable.

ARTICLE IV

POWERS.--

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration, and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education, and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

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6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

ARTICLE V

COOPERATION WITH FEDERAL GOVERNMENT.--

A. If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed ten representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

B. The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

ARTICLE VI

COMMITTEES.--

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and

consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the steering committee shall consist of governors, one-fourth shall consist of legislators, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of two years, except that members elected to the first steering committee of the commission shall be elected as follows: sixteen for one year and sixteen for two years. The chair, vice chair, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than two terms as a member of the steering committee; provided that service for a partial term of one year or less shall not be counted toward the two term limitations.

B. The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to two or more of the party states.

C. The commission may establish such additional committees as its bylaws may provide.

Amendment No. ___ (for drafter's use only)

ARTICLE VII

FINANCE.--

A. The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

B. The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

C. The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to Article III, G of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to Article III, G thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

D. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established by its bylaws. However, all receipts

and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

E. The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

F. Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

ARTICLE VIII

ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

A. This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia, and the Commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor," as used in this compact, shall mean the closest equivalent official of such jurisdiction.

B. Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same; provided that in order to enter into initial effect, adoption by at least ten eligible party jurisdictions shall be required.

C. Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his or her state a party only until

December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself or herself, shall serve as the members of the commission from his or her state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him or her.

D. Except for a withdrawal effective on December 31, 1967, in accordance with paragraph C of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE IX

CONSTRUCTION AND SEVERABILITY.--

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the

compact shall remain in full force and effect as to the state affected as to all severable matters.

Section 16. Chapter 1001, Florida Statutes, shall be entitled "K-20 Governance" and shall consist of ss. 1001.01-1001.75.

Section 17. Part I of chapter 1001, Florida Statutes, shall be entitled "State-Level Governance" and shall consist of ss. 1001.01-1001.28.

Section 18. Part I.a. of chapter 1001, Florida Statutes, shall be entitled "State Board of Education" and shall consist of ss. 1001.01-1001.03.

Section 19. Section 1001.01, Florida Statutes, is created to read:

1001.01 State Board of Education generally.--

(1) The State Board of Education is established as a body corporate. The state board shall be a citizen board consisting of seven members who are residents of the state appointed by the Governor to staggered 4-year terms, subject to confirmation by the Senate. Members of the state board shall serve without compensation but shall be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061. Members may be reappointed by the Governor for additional terms not to exceed 8 years of consecutive service.

(2) The State Board of Education shall select a chair and a vice chair from its appointed members. The chair shall serve a 2-year term and may be reselected for one additional consecutive term.

(3) Four members of the State Board of Education shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present.

Amendment No. ___ (for drafter's use only)

Section 20. Section 1001.02, Florida Statutes, is created to read:

1001.02 General powers of State Board of Education.--

(1) The State Board of Education is the chief implementing and coordinating body of public education in Florida, and it shall focus on high-level policy decisions. It has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it for the improvement of the state system of K-20 public education. Except as otherwise provided herein, it may, as it finds appropriate, delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.

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

(a) To adopt comprehensive educational objectives for public education.

(b) To adopt comprehensive long-range plans and short-range programs for the development of the state system of public education.

(c) To exercise general supervision over the divisions of the Department of Education as necessary to ensure coordination of educational plans and programs and resolve controversies and to minimize problems of articulation and student transfers, to ensure that students moving from one level of education to the next have acquired competencies necessary for satisfactory performance at that level, and to ensure maximum utilization of facilities.

(d) To adopt for state universities and community colleges, and from time to time modify, minimum and uniform standards of college-level communication and computation

skills generally associated with successful performance and progression through the baccalaureate level and to identify college-preparatory high school coursework and postsecondary-level coursework that prepares students with the academic skills necessary to succeed in postsecondary education.

(e) To adopt and submit to the Governor and Legislature, on or before September 1 of each year, a coordinated K-20 education budget that estimates the expenditure requirements for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended by the State Board of Education which will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(f) To hold meetings, transact business, keep records, adopt a seal, and perform such other duties as may be necessary for the enforcement of all laws and rules relating to the state system of public education.

(g) To approve plans for cooperating with the Federal Government.

(h) To approve plans for cooperating with other public agencies in the development of rules and in the enforcement of laws for which the state board and such agencies are jointly responsible.

(i) To review plans for cooperating with appropriate nonpublic agencies for the improvement of conditions relating to the welfare of schools.

(j) To create such subordinate advisory bodies as are

required by law or as it finds necessary for the improvement of education.

(k) To constitute any education bodies or other structures as required by federal law.

(l) To assist in the economic development of the state by developing a state-level planning process to identify future training needs for industry, especially high-technology industry.

(m) To assist in the planning and economic development of the state by establishing a clearinghouse for information on educational programs of value to economic development.

(n) To adopt cohesive rules pursuant to ss. 120.536(1) and 120.54, within statutory authority, for education systemwide issues.

(o) To authorize the allocation of resources in accordance with law and rule.

(p) To contract with independent institutions accredited by an agency whose standards are comparable to the minimum standards required to operate a postsecondary educational institution at that level in the state. The purpose of the contract is to provide those educational programs and facilities which will meet needs unfulfilled by the state system of public postsecondary education.

(q) To recommend that a district school board take action consistent with the state board's decision relating to an appeal of a charter school application.

(r) To enforce systemwide education goals and policies.

(s) To establish a detailed procedure for the implementation and operation of a systemwide K-20 technology plan that is based on a common set of data definitions.

(t) To establish accountability standards for existing legislative performance goals, standards, and measures, and order the development of mechanisms to implement new legislative goals, standards, and measures.

(u) To adopt criteria and implementation plans for future growth issues, such as new colleges and universities and campus mergers, and to provide for cooperative agreements between and within public and private education sectors.

(v) To develop, and periodically review for adjustment, a coordinated 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

(w) To approve a new program at the professional level or doctoral level, if:

1. The university has taken into account the need and demand for the program, the university's mission, and similar program offerings by public and nonpublic counterparts.

2. The addition of the program will not alter the university's emphasis on undergraduate education.

(x) To review, and approve or disapprove, degree programs identified as unique pursuant to s. 1007.25.

(y) To recommend to the Legislature a plan for implementing block tuition programs and providing other incentives to encourage students to graduate within 4 years.

(3) The State Board of Education shall adopt rules to establish the criteria for assigning, reviewing, and removing limited-access status to an educational program. The State Board of Education shall monitor the extent of limited-access programs within the state universities and report to the Legislature admissions and enrollment data for limited-access programs. Such report shall be submitted annually by December 1 and shall assist in determining the potential need for

academic program contracts with independent institutions pursuant to paragraph (2)(p). The report must specify, for each limited-access program within each institution, the following categories, by race and gender:

(a) The number of applicants.

(b) The number of applicants granted admission.

(c) The number of applicants who are granted admission and enroll.

(d) The number of applicants denied admission.

(e) The number of applicants neither granted admission nor denied admission.

Each category must be reported for each term. Each category must be reported by type of student, including the following subcategories: native students, community college associate in arts degree transfer students, and other students. Each category and subcategory must further be reported according to the number of students who meet or exceed the minimum eligibility requirements for admission to the program and the number of students who do not meet or exceed the minimum eligibility requirements for admission to the program.

(4) The State Board of Education shall review, and approve or disapprove, baccalaureate-degree programs that exceed 120 semester hours, after considering accreditation requirements, employment and earnings of graduates, comparative program lengths nationally, and comparisons with similar programs offered by independent institutions. By December 31 of each year, the State Board of Education must report to the Legislature any degrees in the state universities that require more than 120 hours, along with appropriate evidence of need. At least every 5 years, the

1 State Board of Education must determine whether the programs
2 still require more than the standard length of 120 hours.
3 (5)(a) The State Board of Education shall adopt a
4 systemwide strategic plan that specifies goals and objectives
5 for the state universities and community colleges. In
6 developing this plan, the State Board of Education shall
7 consider the role of individual public and independent
8 institutions within the state. The plan shall provide for the
9 roles of the universities and community colleges to be
10 coordinated to best meet state needs and reflect
11 cost-effective use of state resources. The strategic plan must
12 clarify mission statements and identify degree programs to be
13 offered at each university and community college in accordance
14 with the objectives provided in this subsection. The
15 systemwide strategic plan must cover a period of 5 years, with
16 modification of the program lists after 2 years. Development
17 of each 5-year plan must be coordinated with and initiated
18 after completion of the master plan. The systemwide and
19 university and community college strategic plans must
20 specifically include programs and procedures for responding to
21 the educational needs of teachers and students in the public
22 schools of this state. The state board shall submit a report
23 to the President of the Senate and the Speaker of the House of
24 Representatives upon modification of the system plan.
25 (b) The State Board of Education shall develop
26 long-range plans and annual reports for financial aid in this
27 state. The long-range plans shall establish goals and
28 objectives for a comprehensive program of financial aid for
29 Florida students and shall be updated every 5 years. The
30 annual report shall include an assessment of progress made in
31 achieving goals and objectives established in the long-range

plans and recommendations for repealing or modifying existing financial aid programs or establishing new programs. A long-range plan shall be submitted by January 1, 2004, and every 5 years thereafter. An annual report shall be submitted on January 1, 2004, and in each successive year that a long-range plan is not submitted, to the President of the Senate and the Speaker of the House of Representatives.

(6) The State Board of Education shall coordinate the programs with the Council for Education Policy Research and Improvement, including doctoral programs. The programs shall be reviewed every 5 years or whenever the state board determines that the effectiveness or efficiency of a program is jeopardized. The State Board of Education shall define the indicators of quality and the criteria for program review for every program. Such indicators include need, student demand, industry-driven competencies for advanced technology and related programs, and resources available to support continuation. The results of the program reviews must be tied to the university and community college budget requests.

(7) The State Board of Education shall:

(a) Provide for each community college to offer educational training and service programs designed to meet the needs of both students and the communities served.

(b) Specify, by rule, procedures to be used by the boards of trustees in the annual evaluations of presidents and review the evaluations of presidents by the boards of trustees.

(c) Establish an effective information system that will provide composite data concerning the community colleges and state universities and ensure that special analyses and studies concerning the institutions are conducted, as

necessary, for provision of accurate and cost-effective information concerning the institutions.

(d) Establish criteria for making recommendations for modifying district boundary lines for community colleges.

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges and state universities.

(f) Examine the annual administrative review of each community college and state university.

(g) Specify, by rule, the degree program courses that may be taken by students concurrently enrolled in college-preparatory instruction.

(h) Adopt and submit to the Legislature a 3-year list of priorities for fixed-capital-outlay projects.

(8) The State Board of Education is responsible for reviewing and administering the state program of support for the community colleges and, subject to existing law, shall establish the tuition and out-of-state fees for college-preparatory instruction and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree.

(9) The State Board of Education shall prescribe minimum standards, definitions, and guidelines for community colleges and state universities that will ensure the quality of education, coordination among the community colleges and state universities, and efficient progress toward accomplishing the community college and state university mission. At a minimum, these rules must address:

(a) Personnel.

(b) Contracting.

(c) Program offerings and classification, including college-level communication and computation skills associated with successful performance in college and with tests and other assessment procedures that measure student achievement of those skills. The performance measures must provide that students moving from one level of education to the next acquire the necessary competencies for that level.

(d) Provisions for curriculum development, graduation requirements, college calendars, and program service areas. These provisions must include rules that:

1. Provide for the award of an associate in arts degree to a student who successfully completes 60 semester credit hours at the community college.

2. Require all of the credits accepted for the associate in arts degree to be in the statewide course numbering system as credits towards a baccalaureate degree offered by a state university.

3. Require no more than 36 semester credit hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

The rules should encourage community colleges to enter into agreements with state universities that allow community college students to complete upper-division-level courses at a community college. An agreement may provide for concurrent enrollment at the community college and the state university and may authorize the community college to offer an upper-division-level course or distance learning.

(e) Student admissions, conduct and discipline,

nonclassroom activities, and fees.

(f) Budgeting.

(g) Business and financial matters.

(h) Student services.

(i) Reports, surveys, and information systems, including forms and dates of submission.

Section 21. Section 1001.03, Florida Statutes, is created to read:

1001.03 Specific powers of State Board of Education.--

(1) PUBLIC K-12 STUDENT PERFORMANCE STANDARDS.--The State Board of Education shall approve the student performance standards known as the Sunshine State Standards in key academic subject areas and grade levels.

(2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF EDUCATION.--The State Board of Education shall govern issues relating to use of property, facilities, and personal services between the Department of Education and its direct-support organization and shall certify that the organization operates at all times in a manner consistent with the goals and best interest of the department, pursuant to s. 1001.24.

(3) PROFESSIONAL CERTIFICATES.--The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and prescribe rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service, as described in chapter 1012.

(4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State

Board of Education shall ensure that not-for-profit, professional teacher associations that offer membership to all teachers, noninstructional personnel, and administrators, and that offer teacher training and staff development at no fee to the district, shall be given equal access to voluntary teacher meetings, be provided access to teacher mailboxes for distribution of professional literature, and be authorized to collect voluntary membership fees through payroll deduction.

(5) IDENTIFICATION OF CRITICAL TEACHER SHORTAGE AREAS.--The State Board of Education shall identify critical teacher shortage areas pursuant to s. 1012.07.

(6) CAPITAL OUTLAY BOND AND MOTOR VEHICLE TAX ANTICIPATION CERTIFICATE RESOLUTIONS.--The State Board of Education shall issue bonds and approve resolutions regarding the expenditure of funds for capital projects and purposes pursuant to the State Constitution and other applicable law.

(7) ARTICULATION ACCOUNTABILITY.--The State Board of Education shall develop articulation accountability measures that assess the status of systemwide articulation processes, and shall establish an articulation accountability process in accordance with the provisions of chapter 1008.

(8) SYSTEMWIDE ENFORCEMENT.--The State Board of Education shall enforce compliance with law and state board rule by all school districts and public postsecondary educational institutions, in accordance with the provisions of s. 1008.32.

(9) MANAGEMENT INFORMATION DATABASES.--The State Board of Education shall continue to collect and maintain, at a minimum, the management information databases for state universities, and all other components of the public K-20 education system as such databases existed on June 30, 2002.

(10) COMMON PLACEMENT TESTING FOR PUBLIC POSTSECONDARY EDUCATION.--The State Board of Education shall develop and implement a common placement test to assess the basic computation and communication skills of students who intend to enter a degree program at any community college or state university.

(11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY EDUCATION.--The State Board of Education shall adopt minimum standards relating to nonpublic postsecondary education and institutions, in accordance with the provisions of chapter 1005.

(12) COMMON POSTSECONDARY DEFINITIONS.--The State Board of Education shall adopt, by rule, common definitions for associate in science degrees and for certificates.

(13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC PROGRAMS.--The State Board of Education shall provide for the cyclic review of all academic programs in community colleges and state universities at least every 7 years. Program reviews shall document how individual academic programs are achieving stated student learning and program objectives within the context of the institution's mission. The results of the program reviews shall inform strategic planning, program development, and budgeting decisions at the institutional level.

(14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of Education shall recommend to the Legislature by February 1, 2003, a uniform classification system for school district administrative and management personnel that will facilitate the uniform coding of administrative and management personnel to total district employees.

1 Section 22. Part I.b. of chapter 1001, Florida
2 Statutes, shall be entitled "Commissioner of Education" and
3 shall consist of ss. 1001.10-1001.11.
4 Section 23. Section 1001.10, Florida Statutes, is
5 created to read:
6 1001.10 Commissioner of Education; general powers and
7 duties.--The Commissioner of Education is the chief
8 educational officer of the state, and is responsible for
9 giving full assistance to the State Board of Education in
10 enforcing compliance with the mission and goals of the
11 seamless K-20 education system. To facilitate innovative
12 practices and to allow local selection of educational methods,
13 the State Board of Education may authorize the commissioner to
14 waive, upon the request of a district school board, State
15 Board of Education rules that relate to district school
16 instruction and school operations, except those rules
17 pertaining to civil rights, and student health, safety, and
18 welfare. The Commissioner of Education is not authorized to
19 grant waivers for any provisions in rule pertaining to the
20 allocation and appropriation of state and local funds for
21 public education; the election, compensation, and organization
22 of school board members and superintendents; graduation and
23 state accountability standards; financial reporting
24 requirements; reporting of out-of-field teaching assignments
25 under s. 1012.42; public meetings; public records; or due
26 process hearings governed by chapter 120. No later than
27 January 1 of each year, the commissioner shall report to the
28 Legislature and the State Board of Education all approved
29 waiver requests in the preceding year. Additionally, the
30 commissioner has the following general powers and duties:
31 (1) To appoint staff necessary to carry out his or her

powers and duties.

(2) To advise and counsel with the State Board of Education on all matters pertaining to education; to recommend to the State Board of Education actions and policies as, in the commissioner's opinion, should be acted upon or adopted; and to execute or provide for the execution of all acts and policies as are approved.

(3) To keep such records as are necessary to set forth clearly all acts and proceedings of the State Board of Education.

(4) To have a seal for his or her office with which, in connection with his or her own signature, the commissioner shall authenticate true copies of decisions, acts, or documents.

(5) To recommend to the State Board of Education policies and steps designed to protect and preserve the principal of the State School Fund; to provide an assured and stable income from the fund; to execute such policies and actions as are approved; and to administer the State School Fund.

(6) To take action on the release of mineral rights based upon the recommendations of the Board of Trustees of the Internal Improvement Trust Fund.

(7) To submit to the State Board of Education, on or before August 1 of each year, recommendations for a coordinated K-20 education budget that estimates the expenditures for the State Board of Education, including the Department of Education, the Commissioner of Education, and all of the boards, institutions, agencies, and services under the general supervision of the State Board of Education for the ensuing fiscal year. Any program recommended to the State

Board of Education that will require increases in state funding for more than 1 year must be presented in a multiyear budget plan.

(8) To develop and implement a plan for cooperating with the Federal Government in carrying out any or all phases of the educational program and to recommend policies for administering funds that are appropriated by Congress and apportioned to the state for any or all educational purposes.

(9) To develop and implement policies for cooperating with other public agencies in carrying out those phases of the program in which such cooperation is required by law or is deemed by the commissioner to be desirable and to cooperate with public and nonpublic agencies in planning and bringing about improvements in the educational program.

(10) To prepare forms and procedures as are necessary to be used by district school boards and all other educational agencies to assure uniformity, accuracy, and efficiency in the keeping of records, the execution of contracts, the preparation of budgets, or the submission of reports; and to furnish at state expense, when deemed advisable by the commissioner, those forms that can more economically and efficiently be provided.

(11) 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 based upon the achievement of the state education goals, recognizing the following:

(a) The State Board of Education is the body corporate responsible for the supervision of the system of public education.

(b) The district school board is responsible for school and student performance.

(c) The individual school is the unit for education accountability.

(d) The community college board of trustees is responsible for community college performance and student performance.

(e) The university board of trustees is responsible for university performance and student performance.

(12) To establish a Citizen Information Center responsible for the preparation, publication, and distribution of materials relating to the state system of seamless K-20 public education.

(13) To prepare and publish annually reports giving statistics and other useful information pertaining to the Opportunity Scholarship Program.

(14) To have printed or electronic copies of school laws, forms, instruments, instructions, and rules of the State Board of Education and provide for their distribution.

(15) To develop criteria for use by state instructional materials committees in evaluating materials submitted for adoption consideration. The criteria shall, as appropriate, be based on instructional expectations reflected in curriculum frameworks and student performance standards. The criteria for each subject or course shall be made available to publishers of instructional materials pursuant to the requirements of chapter 1006.

(16) To prescribe procedures for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

The commissioner's office shall operate all statewide functions necessary to support the State Board of Education and the K-20 education system, including strategic planning and budget development, general administration, and assessment and accountability.

Section 24. Section 1001.11, Florida Statutes, is created to read:

1001.11 Commissioner of Education; other duties.--

(1) The Commissioner of Education must independently perform the following duties:

(a) Cooperate with and coordinate responses to requests from the members of the Legislature.

(b) Serve as the primary source of information to the Legislature, including the President of the Senate and the Speaker of the House of Representatives, concerning the State Board of Education and the K-20 education system.

(c) Develop and implement a process for receiving and processing requests, in conjunction with the Legislature, for the allocation of PECO funds for qualified postsecondary education projects.

(d) Integrally work with the boards of trustees of the state universities and community colleges.

(e) Monitor the activities of the State Board of Education and provide information related to current and pending policies to the members of the boards of trustees of the community colleges and state universities.

(f) Ensure the timely provision of information requested by the Legislature from the State Board of Education, the commissioner's office, and the Department of Education.

(2)(a) The Commissioner of Education shall recommend

to the State Board of Education performance goals addressing the educational needs of the state for the K-20 education system. The Council for Education Policy Research and Improvement, as an independent entity, shall develop a report card assigning grades to indicate Florida's progress toward meeting those goals. The annual report card shall contain information showing Florida's performance relative to other states on selected measures, as well as Florida's ability to meet the need for postsecondary degrees and programs and how well the Legislature has provided resources to meet this need. The information shall include the results of the National Assessment of Educational Progress or a similar national assessment program administered to students in Florida. By January 1 of each year, the Council for Education Policy Research and Improvement shall submit the report card to the Legislature, the Governor, and the public.

(b) Prior to the regular legislative session, the Commissioner of Education shall present to the Legislature a plan for correcting any deficiencies identified in the report card.

(3) Notwithstanding any other provision of law to the contrary, the Commissioner of Education, in conjunction with the Legislature, must recommend funding priorities for the distribution of capital outlay funds for public postsecondary educational institutions, based on priorities that include, but are not limited to, the following criteria:

(a) Growth at the institutions.

(b) Need for specific skills statewide.

(c) Need for maintaining and repairing existing facilities.

(4) The commissioner shall develop and implement an

integrated K-20 information system for educational management in accordance with the requirements of chapter 1008.

(5) The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, in accordance with the requirements of chapter 1008.

(6) The commissioner is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, in accordance with the requirements of chapter 1008.

Section 25. Part I.c. of chapter 1001, Florida Statutes, shall be entitled "Department of Education" and shall consist of ss. 1001.20-1001.28.

Section 26. Section 1001.20, Florida Statutes, is created to read:

1001.20 Department under direction of state board.--

(1) The Department of Education shall be organized consistently with the requirements of s. 20.15, and shall act as an administrative and supervisory agency under the implementation direction of the State Board of Education.

(2) The department is to be located in the offices of the Commissioner of Education and shall assist in providing professional leadership and guidance and in carrying out the policies, procedures, and duties authorized by law or by the State Board of Education or found necessary by it to attain the purposes and objectives of this code.

(3) The Department of Education shall maintain an Office of the Commissioner of Education that includes the

general areas of operation that are common to all delivery sectors, such as administration, communication, legal services, financial aid, and government and public relations, in order to increase efficiency, improve service delivery to students, and fully support the operational needs of the State Board of Education.

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

(a) Office of Technology and Information Services.--Responsible for developing a systemwide technology plan, making budget recommendations to the commissioner, providing data collection and management for the system, and coordinating services with other state, local, and private agencies. The office shall develop a method to address the need for a statewide approach to planning and operations of library and information services to achieve a single K-20 education system library information portal and a unified higher education library management system. The Florida Virtual School shall be administratively housed within the office.

(b) Office of Workforce and Economic Development.--Responsible for evaluating the role of each sector of education in Florida's workforce and economic development, assessing the specific work skills and variety of careers provided, and reporting to the State Board of Education the effectiveness of each sector.

(c) Office of Educational Facilities and SMART Schools Clearinghouse.--Responsible for validating all educational plant surveys and verifying Florida Inventory of School Houses

1 (FISH) data. The office shall provide technical assistance to
2 public school districts when requested.
3 (d) Office of Student Financial
4 Assistance.--Responsible for providing access to and
5 administering state and federal grants, scholarships, and
6 loans to those students seeking financial assistance for
7 postsecondary study pursuant to program criteria and
8 eligibility requirements.
9 (e) Office of Inspector General.--Organized using
10 existing resources and funds and responsible for promoting
11 accountability, efficiency, and effectiveness and detecting
12 fraud and abuse within school districts, community colleges,
13 and state universities in Florida. If the Commissioner of
14 Education determines that a district school board or public
15 postsecondary educational institution board is unwilling or
16 unable to address substantiated allegations made by any person
17 relating to waste, fraud, or financial mismanagement, the
18 office shall conduct, coordinate, or request investigations
19 into substantiated allegations made by any person relating to
20 waste, fraud, or financial mismanagement within school
21 districts, community colleges, and state universities in
22 Florida. The office shall have access to all information and
23 personnel necessary to perform its duties and shall have all
24 of its current powers, duties, and responsibilities authorized
25 in s. 20.055.
26 Section 27. Section 1001.21, Florida Statutes, is
27 created to read:
28 1001.21 Office of Private Schools and Home Education
29 Programs.--The state recognizes the contributions of private
30 schools and home education programs in providing alternatives
31 to public school education. These nongovernmental educational

systems serve the public, but are not considered to be a part of the public system of education.

(1) The Office of Private Schools and Home Education Programs is established within the Department of Education. The Department of Education and the Commissioner of Education have no authority over the institutions or students served by the office. The office shall:

(a) Serve the interests of students and the parents of students in private schools and home education programs.

(b) Serve the interests of private institutions.

(c) Provide general information to the public about private and home education delivery systems.

(2) The Commissioner of Education shall appoint an executive director for the office who shall:

(a) Serve as a source of communication between private schools, home education programs, the Commissioner of Education, and the State Board of Education.

(b) Evaluate pending policy to ensure that the policy does not subject private schools and home education programs to additional regulation or mandates.

(c) Establish a clearinghouse of information for the public.

(d) Foster a collaborative spirit and working relationship among private schools, home education programs, and the public sector.

(e) Identify and convey the best practices of private schools and home education programs for the benefit of the public and private education delivery sectors.

(f) Represent issues and concerns relating to home education programs and private schools on all applicable ad hoc advisory bodies.

Amendment No. ___ (for drafter's use only)

Section 28. Section 1001.22, Florida Statutes, is created to read:

1001.22 Commission for Independent Education.--The Commission for Independent Education shall authorize granting of certificates, diplomas, and degrees for independent postsecondary educational institutions pursuant to chapter 1005.

Section 29. Section 1001.23, Florida Statutes, is created to read:

1001.23 Specific powers and duties of the Department of Education.--In addition to all other duties assigned to it by law or by rule of the State Board of Education, the department shall:

(1) Adopt the school readiness uniform screening developed by the Florida Partnership for School Readiness, in accordance with the criteria itemized in chapter 1008.

(2) Implement a training program to develop among state and district educators a cadre of facilitators of school improvement in accordance with the provisions of chapter 1008.

(3) Identify the needs of the state system of public education as they relate to the development and production of materials used in instruction, in accordance with the requirements of chapter 1006.

(4) After complying with the provisions of s. 257.37, the Department of Education may:

(a) Photograph, microphotograph, or reproduce on film or prints, documents, records, data, and information of a permanent character and destroy any of the documents after they have been photographed and after audit of the department has been completed for the period embracing the dates of the instruments. Photographs or microphotographs in the form of

film or prints made in compliance with the provisions of this subsection shall have the same force and effect as the originals would have, and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

(b) Destroy general correspondence that is over 3 years old; records of bills, accounts, vouchers, and requisitions that are over 5 years old and copies of which have been filed with the Comptroller; and other records, papers, and documents over 3 years old that do not serve as part of an agreement or understanding and do not have value as permanent records.

Section 30. Section 1001.24, Florida Statutes, is created to read:

1001.24 Direct-support organization; use of property; board of directors; audit.--

(1) DEFINITIONS.--For the purposes of this section, the term:

(a) "Department of Education direct-support organization" means an organization:

1. That is a corporation not for profit that is incorporated under the provisions of chapter 617 and approved by the Department of State.

2. That is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public prekindergarten through 12th grade education in this state.

3. That the State Board of Education, after review, has certified to be operating in a manner consistent with the

goals and best interest of the Department of Education.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.--The State Board of Education:

(a) May permit the use of property, facilities, and personal services of the department by the direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which the direct-support organization must comply in order to use property, facilities, or personal services of the department. Such rules shall provide for budget and audit review and for oversight by the department.

(c) Shall not permit the use of property, facilities, or personal services of the direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, national origin, gender, age, or religion.

(3) BOARD OF DIRECTORS.--The board of directors of the department direct-support organization shall be appointed by the commissioner and shall include representation from business, industry, and other components of Florida's economy.

(4) ANNUAL AUDIT.--Each direct-support organization shall provide for an annual financial audit in accordance with s. 215.981. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the Auditor General and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

Amendment No. ___ (for drafter's use only)

Section 31. Section 1001.25, Florida Statutes, is created to read:

1001.25 Educational television.--

(1) ESTABLISHMENT AND UTILIZATION OF NETWORK.--The department may establish a television network connecting such communities or such stations as it designates. For this purpose, it may lease facilities in the name of the state from communications' common carriers and use such transmission channels as are necessary; however, if the department decides, upon investigation, that it could more economically construct and maintain such transmission channels, it may design, construct, operate, and maintain them, including a television microwave network. The network shall be utilized primarily for the instruction of students at existing and future public and private educational institutions and of the general public, as practical. The origination and transmission of all programs over such networks shall be as directed under policies approved by the State Board of Education. The department may cooperate with and assist all local and state educational agencies in making surveys pertaining to the use and economics of educational television in the fields of primary, elementary, secondary, or college level education and in the field of adult education, and may assist all public agencies in the planning of programs calculated to further the education of the state's citizens.

(2) POWERS OF DEPARTMENT.--

(a) The department may encourage:

1. The extension of educational television network facilities.

2. The coordination of Florida's educational television with that of other states and with the Federal

Government.

3. The further development of educational television within the state.

(b) The department shall provide through educational television and other electronic media a means of extending educational services to all the state system of public education, except the state universities, which provision by the department is limited by paragraph (c) and by s. 1006.26(1). The department shall recommend to the State Board of Education rules necessary to provide such services.

(c) The department may provide equipment, funds, and other services to extend and update both the existing and the proposed educational television and radio systems of tax-supported and nonprofit, corporate-owned facilities. All stations funded must be qualified by the Corporation for Public Broadcasting. New stations eligible for funding shall provide a first service to an audience that is not currently receiving a broadcast signal or provide a significant new program service as defined by State Board of Education rules. Funds appropriated to the department for educational television and funds appropriated to the department for educational radio may be used by the department for either educational television or educational radio, or both.

(3) PROHIBITED USE, PENALTY.--

(a) None of the facilities, plant, or personnel of any educational television system that is supported in whole or in part by state funds shall be used directly or indirectly for the promotion, advertisement, or advancement of any political candidate for any municipal, county, legislative, congressional, or state office. However, fair, open, and free discussion between political candidates for municipal, county,

legislative, congressional, or state office may be permitted in order to help materially reduce the excessive cost of campaigns and to ensure that the state's citizens are fully informed about issues and candidates in campaigns. The provisions of this paragraph apply to the advocacy for, or opposition to, any specific program, existing or proposed, of governmental action which includes, but is not limited to, constitutional amendments, tax referenda, and bond issues. The provisions of this paragraph shall be in accordance with rules of the State Board of Education.

(b) Violation of any prohibition contained in this section is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(4) DUTY OF DEPARTMENT.--The department is responsible for identifying the needs of the state system of public education as they relate to the development and production of materials used in instruction. When such identified needs are considered to be best satisfied by the production of new materials, the department may commission or contract for the production of such materials.

Section 32. Section 1001.26, Florida Statutes, is created to read:

1001.26 Public broadcasting program system.--

(1) There is created a public broadcasting program system for the state. The department shall administer this program system pursuant to rules adopted by the State Board of Education. This program system must complement and share resources with the instructional programming service of the Department of Education and educational UHF, VHF, ITFS, and FM stations in the state. The program system must include:

(a) Support for existing Corporation for Public

Broadcasting qualified program system educational radio and television stations and new stations meeting Corporation for Public Broadcasting qualifications and providing a first service to an audience that does not currently receive a broadcast signal or providing a significant new program service as defined by rule by the State Board of Education.

(b) Maintenance of quality broadcast capability for educational stations that are part of the program system.

(c) Interconnection of all educational stations that are part of the program system for simultaneous broadcast and of such stations with all universities and other institutions as necessary for sharing of resources and delivery of programming.

(d) Establishment and maintenance of a capability for statewide program distribution with facilities and staff, provided such facilities and staff complement and strengthen existing or future educational television and radio stations in accordance with paragraph (a) and s. 1001.25(2)(c).

(e) Provision of both statewide programming funds and station programming support for educational television and educational radio to meet statewide priorities. Priorities for station programming need not be the same as priorities for programming to be used statewide. Station programming may include, but shall not be limited to, citizens' participation programs, music and fine arts programs, coverage of public hearings and governmental meetings, equal air time for political candidates, and other public interest programming.

(2)(a) The Department of Education is responsible for implementing the provisions of this section pursuant to part III of chapter 287 and may employ personnel, acquire equipment and facilities, and perform all duties necessary for carrying

1 out the purposes and objectives of this section.
2 (b) The department shall provide through educational
3 television and other electronic media a means of extending
4 educational services to all the state system of public
5 education. The department shall recommend to the State Board
6 of Education rules necessary to provide such services.
7 (c) The department is authorized to provide equipment,
8 funds, and other services to extend and update both the
9 existing and the proposed educational television and radio
10 systems of tax-supported and nonprofit, corporate-owned
11 facilities. All stations funded must be qualified by the
12 Corporation for Public Broadcasting. New stations eligible
13 for funding shall provide a first service to an audience that
14 is not currently receiving a broadcast signal or provide a
15 significant new program service as defined by State Board of
16 Education rules. Funds appropriated to the department for
17 educational television and funds appropriated to the
18 department for educational radio may be used by the department
19 for either educational television or educational radio, or for
20 both.
21 (3) The State Board of Education shall adopt rules for
22 the proper enforcement and carrying out of these provisions.
23 Section 33. Section 1001.27, Florida Statutes, is
24 created to read:
25 1001.27 State satellite network.--
26 (1) There is created a state satellite network, which
27 shall provide one-way video and audio transmissions with
28 regional access for all Floridians, state agencies, county and
29 municipal governments, business and industry, and other public
30 and private entities to participate in classroom instruction,
31 continuing education, special events programs, and one-way

video teleconferencing.

(2) The network shall consist of compatible satellite receiving equipment at public educational institutions in each of the 28 community college regions.

(3) The department, in consultation with the Department of Management Services, shall implement the provisions of this section and coordinate the network. Specifically, the department shall:

(a) Provide for technical analysis of suitable existing satellite receiving equipment at Florida public postsecondary educational institutions for inclusion in the network.

(b) Acquire by competitive sealed bid and place appropriate receiving equipment in those community college regions of the state in which such equipment is presently not available at a public postsecondary educational institution.

(c) Develop an implementation plan that provides for designation of a site in each community college region for inclusion in the initial network. Criteria for selection shall include:

1. Accessibility to a substantial portion of the population of the region.

2. Demonstrated institutional commitment to support and encourage use of the network both within the region and statewide.

3. Willingness to complement state support with matching institutional resources.

4. Evidence of cooperation and coordinated planning with other postsecondary educational institutions in the region.

5. Availability of existing telecommunications

equipment which is compatible or adaptable for use in the network.

(d) Identify additional sites for inclusion in the network in the event that demand exceeds the capacity of the initial network.

(e) Coordinate scheduling and encourage use of the network.

(f) Develop operating procedures for the system and recommend fee schedules for both public and private entities wishing to transmit or receive programming through the network. Scheduling procedures shall assign the highest priority to educational programming.

(g) Provide training for institutional, state agency, and other personnel in effective techniques for the use of the network.

(h) Provide initial startup support for operations, maintenance, and publicity costs of the network. Continuation costs in these areas shall be recovered through user fees and local resources.

(4) All audio components of this system that are not transmitted simultaneously with video to a domestic satellite shall be transmitted through common carriers regulated pursuant to chapter 364.

(5) The State Board of Education may adopt any rules necessary for the implementation of this section.

(6) This section shall be implemented only to the extent specifically authorized and funded by law.

Section 34. Section 1001.28, Florida Statutes, is created to read:

1001.28 Distance learning duties.--The duties of the Department of Education concerning distance learning include,

but are not limited to, the duty to:

(1) Facilitate the implementation of a statewide coordinated system and resource system for cost-efficient advanced telecommunications services and distance education which will increase overall student access to education.

(2) Coordinate the use of existing resources, including, but not limited to, the state's satellite transponders on the education satellites, the SUNCOM Network, the Florida Information Resource Network (FIRN), the Department of Management Services, the Department of Corrections, and the Department of Children and Family Services' satellite communication facilities to support a statewide advanced telecommunications services and distance learning network.

(3) Assist in the coordination of the utilization of the production and uplink capabilities available through Florida's public television stations, eligible facilities, independent colleges and universities, private firms, and others as needed.

(4) Seek the assistance and cooperation of Florida's cable television providers in the implementation of the statewide advanced telecommunications services and distance learning network.

(5) Seek the assistance and cooperation of Florida's telecommunications carriers to provide affordable student access to advanced telecommunications services and to distance learning.

(6) Coordinate partnerships for development, acquisition, use, and distribution of distance learning.

(7) Secure and administer funding for programs and activities for distance learning from federal, state, local,

and private sources and from fees derived from services and materials.

(8) Manage the state's satellite transponder resources and enter into lease agreements to maximize the use of available transponder time. All net revenue realized through the leasing of available transponder time, after deducting the costs of performing the management function, shall be recycled to support the public education distance learning in this state based upon an allocation formula of one-third to the Department of Education, one-third to community colleges, and one-third to state universities.

(9) Hire appropriate staff which may include a position that shall be exempt from part II of chapter 110 and is included in the Senior Management Service in accordance with s. 110.205.

Nothing in this section shall be construed to abrogate, supersede, alter, or amend the powers and duties of any state agency, district school board, community college board of trustees, university board of trustees, or the State Board of Education.

Section 35. Part II of chapter 1001, Florida Statutes, shall be entitled "School District Governance" and shall consist of ss. 1001.30-1001.55.

Section 36. Section 1001.30, Florida Statutes, is created to read:

1001.30 District unit.--Each county shall constitute a school district and shall be known as the school district of .... County, Florida. Each district shall constitute a unit for the control, organization, and administration of schools. The responsibility for the actual operation and administration

of all schools needed within the districts in conformity with rules and minimum standards prescribed by the state, and also the responsibility for the provision of any desirable and practicable opportunities authorized by law beyond those required by the state, are delegated by law to the school officials of the respective districts.

Section 37. Section 1001.31, Florida Statutes, is created to read:

1001.31 Scope of district system.--A district school system shall include all public schools, classes, and courses of instruction and all services and activities directly related to education in that district which are under the direction of the district school officials. A district school system may also include alternative site schools for disruptive or violent youth. Such schools for disruptive or violent youth may be funded by each district or provided through cooperative programs administered by a consortium of school districts, private providers, state and local law enforcement agencies, and the Department of Juvenile Justice. Pursuant to cooperative agreement, a district school system shall provide instructional personnel at juvenile justice facilities of 50 or more beds or slots with access to the district school system database for the purpose of accessing student academic, immunization, and registration records for students assigned to the programs. Such access shall be in the same manner as provided to other schools in the district.

Section 38. Section 1001.32, Florida Statutes, is created to read:

1001.32 Management, control, operation, administration, and supervision.--The district school system must be managed, controlled, operated, administered, and

supervised as follows:

(1) DISTRICT SYSTEM.--The district school system shall be considered as a part of the state system of public education. All actions of district school officials shall be consistent and in harmony with state laws and with rules and minimum standards of the state board and the commissioner. District school officials, however, shall have the authority to provide additional educational opportunities, as desired, which are authorized, but not required, by law or by the district school board.

(2) DISTRICT SCHOOL BOARD.--In accordance with the provisions of s. 4(b) of Art. IX of the State Constitution, district school boards shall operate, control, and supervise all free public schools in their respective districts and may exercise any power except as expressly prohibited by the State Constitution or general law.

(3) DISTRICT SCHOOL SUPERINTENDENT.--Responsibility for the administration and management of the schools and for the supervision of instruction in the district shall be vested in the district school superintendent as the secretary and executive officer of the district school board, as provided by law.

(4) SCHOOL 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. 1001.42(16) shall be delegated to the school principal or head of the school or schools in accordance with rules established by the district school board.

Amendment No. ___ (for drafter's use only)

Section 39. Section 1001.33, Florida Statutes, is created to read:

1001.33 Schools under control of district school board and district school superintendent.--Except as otherwise provided by law, all public schools conducted within the district shall be under the direction and control of the district school board with the district school superintendent as executive officer.

Section 40. Part II.a. of chapter 1001, Florida Statutes, shall be entitled "District School Boards" and shall consist of ss. 1001.34-1001.453.

Section 41. Section 1001.34, Florida Statutes, is created to read:

1001.34 Membership of district school board.--Each district school board shall be composed of not less than five members. Each member of the district school board shall be a qualified elector of the district in which she or he serves, shall be a resident of the district school board member residence area from which she or he is elected, and shall maintain said residency throughout her or his term of office.

Section 42. Section 1001.35, Florida Statutes, is created to read:

1001.35 Term of office.--District school board members shall be elected at the general election in November for terms of 4 years.

Section 43. Section 1001.36, Florida Statutes, is created to read:

1001.36 District school board member residence areas.--

(1) For the purpose of electing district school board members, each district shall be divided into at least five

district school board member residence areas, which shall be numbered one to five, inclusive, and which shall, as nearly as practicable, be equal in population.

(a) For those school districts, which have seven district school board members, the district may be divided into five district school board member residence areas, with two district school board members elected at large, or the district may be divided into seven district school board member residence areas. In the latter case, the residence areas shall be numbered one to seven inclusive and shall be equal in population as nearly as practicable.

(b) For those school districts which have seven district school board members, the number of district school board member residence areas shall be determined by resolution passed by a majority vote of the district school board.

(2) Any district school board may make any change that it deems necessary in the boundaries of any district school board member residence area at any meeting of the district school board, provided that such changes shall be made only in odd-numbered years and that no change that would affect the residence qualifications of any incumbent member shall disqualify such incumbent member during the term for which he or she is elected.

(3) Such changes in boundaries shall be shown by resolutions spread upon the minutes of the district school board, shall be recorded in the office of the clerk of the circuit court, and shall be published at least once in a newspaper published in the district within 30 days after the adoption of the resolution, or, if there be no newspaper published in the district, shall be posted at the county courthouse door for 4 weeks thereafter. A certified copy of

this resolution shall be transmitted to the Department of State.

Section 44. Section 1001.361, Florida Statutes, is created to read:

1001.361 Election of board by districtwide vote.--Notwithstanding any provision of local law or any county charter, the election of members of the district school board shall be by vote of the qualified electors of the entire district in a nonpartisan election as provided in chapter 105. Each candidate for district school board member shall, at the time she or he qualifies, be a resident of the district school board member residence area from which the candidate seeks election. Each candidate who qualifies to have her or his name placed on the ballot shall be listed according to the district school board member residence area in which she or he resides. Each qualified elector of the district shall be entitled to vote for one candidate from each district school board member residence area. The candidate from each district school board member residence area who receives the highest number of votes in the general election shall be elected to the district school board.

Section 45. Section 1001.362, Florida Statutes, is created to read:

1001.362 Alternate procedure for the election of district school board members to provide for single-member representation.--

(1) This section shall be known and may be referred to as "The School District Local Option Single-Member Representation Law of 1984."

(2) District school board members shall be elected to office in accordance with the provisions of ss. 1001.36 and

1001.361, or as otherwise provided by law, unless a proposition calling for single-member representation within the residence areas of the district is submitted to and approved by a majority of the qualified electors voting on such proposition in the manner provided in subsection (3).

(a) If the district school board is composed of five members, such proposition shall provide that the five members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member.

(b) If the district school board is composed of seven members, at the option of the school board, such proposition shall provide that:

1. Five of the seven members shall reside one in each of five residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member, and two of the seven members shall be elected at large; or

2. All seven members shall reside one in each of seven residence areas, the areas together covering the entire district and as nearly equal in population as practicable, pursuant to s. 1001.36, each of whom shall be elected only by the qualified electors who reside in the same residence area as the member.

(c) All members shall be elected for 4-year terms, but such terms shall be staggered so that, alternately, one more or one less than half of the members elected from residence

areas and, if applicable, one of the members elected at large from the entire district are elected every 2 years. Any member may be elected to an initial term of less than 4 years if necessary to achieve or maintain such system of staggered terms.

(3) A proposition calling for single-member representation within the residence areas of the district shall be submitted to the electors of the district at any primary, general, or otherwise-called special election, in either manner following:

(a) The district school board may adopt a formal resolution directing an election to be held to place the proposition on the ballot.

(b) The electors of the school district may petition to have the proposition placed on the ballot by presenting to the school board petitions signed by not less than 10 percent of the duly qualified electors residing within the school district. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the district as of the date the petitioning electors register as a political committee as provided in subsection (4).

(4) The electors petitioning to have the proposition placed on the ballot shall register as a political committee pursuant to s. 106.03, and a specific person shall be designated therein as chair of the committee to act for the committee.

(5)(a) Each petition form circulated for single-member representation within the residence areas of a district where the school board is composed of five members shall include the wording: "As a registered elector of the school district of

1 .... County, Florida, I am petitioning for a referendum
2 election to determine whether the five school board members of
3 said district shall be elected from single-member residence
4 areas by electors residing in each of those areas only."
5 (b) Each petition form circulated for single-member
6 representation within the residence areas of a district where
7 the district school board is composed of seven members, none
8 of whom are to be elected at large, shall include the wording:
9 "As a registered elector of the school district of ....
10 County, Florida, I am petitioning for a referendum election to
11 determine whether the seven members of said district shall be
12 elected from single-member residence areas by electors
13 residing in each of those areas only."
14 (c) Each petition form circulated for single-member
15 representation within the residence areas of a district where
16 the school board is composed of seven members, two of whom are
17 to be elected at large, shall include the wording: "As a
18 registered elector of the school district of .... County,
19 Florida, I am petitioning for a referendum election to
20 determine whether five of the seven district school board
21 members of said district shall be elected from single-member
22 residence areas by electors residing in each of those areas
23 only, with the two remaining members being elected at large."
24
25 The petition shall also include space for the signature and
26 address of the elector. Each signature obtained shall be
27 dated when made and is valid for a period of 4 years following
28 that date.
29 (6) Upon the filing of the petitions with the district
30 school board by the chair of the committee, the district
31 school board shall submit the petitions to the supervisor of

elections for verification of the signatures. Within a period of not more than 30 days, the supervisor of elections shall determine whether the petitions contain the required number of valid signatures. The supervisor of elections shall be paid by the committee seeking verification the sum of 10 cents for each name checked.

(7) If it is determined that the petitions have the required signatures, the supervisor of elections shall certify the petitions to the district school board, which shall adopt a resolution requesting that an election date be set to conform to the earliest primary, general, or otherwise-called special election that occurs not less than 30 days after certification of the petitions. If it is determined that the petitions do not contain the required signatures, the supervisor of elections shall so notify the district school board, which shall file the petitions without taking further action, and the matter shall be at an end. No additional names may be added to the petitions, and the petitions may not be used in any other proceeding.

(8) No special election may be called for the sole purpose of presenting the proposition to the vote of the electors.

(9) Any district adopting any of the propositions set forth in this section may thereafter return to the procedures otherwise provided by law by following the same procedure outlined in subsection (3).

(10) No district school board member elected prior to or at the election that approves any revision as permitted herein shall be affected in his or her term of office. The resolution adopted by the district school board under paragraph (3)(a) or subsection (7) which presents the proposed

revision to the electorate for approval shall specify an orderly method and procedure for implementing the revision contemplated in the resolution.

Section 46. Section 1001.363, Florida Statutes, is created to read:

1001.363 District school board members to represent entire district.--Each district school board of each district shall represent the entire district. Each member of the district school board shall serve as the representative of the entire district, rather than as the representative of a district school board member residence area.

Section 47. Section 1001.37, Florida Statutes, is created to read:

1001.37 District school board members shall qualify.--Before entering upon the duties of office after being elected, or, if appointed, within 10 days after receiving notice of appointment, each member of the district school board shall take the prescribed oath of office.

Section 48. Section 1001.371, Florida Statutes, is created to read:

1001.371 Organization of district school board.--On the third Tuesday after the first Monday in November of each year, the district school board shall organize by electing a chair. It may elect a vice chair, and the district school superintendent shall act ex officio as the secretary. If a vacancy should occur in the position of chair, the district school board shall proceed to elect a chair at the next ensuing regular or special meeting. At the organization meeting, the district school superintendent shall act as chair until the organization is completed. The chair and secretary shall then make and sign a copy of the proceedings of

organization, including the schedule for regular meetings and the names and addresses of all district school officers, and annex their affidavits that the same is a true and correct copy of the original, and the secretary shall file the document within 2 weeks with the Department of Education.

Section 49. Section 1001.372, Florida Statutes, is created to read:

1001.372 District school board meetings.--

(1) REGULAR AND SPECIAL MEETINGS.--The district school board shall hold not less than one regular meeting each month for the transaction of business according to a schedule arranged by the district school board and shall convene in special sessions when called by the district school superintendent or by the district school superintendent on request of the chair of the district school board, or on request of a majority of the members of the district school board; provided that actions taken at special meetings shall have the same force and effect as if taken at a regular meeting; and provided further that in the event the district school superintendent should fail to call a special meeting when requested to do so, as prescribed herein, such a meeting may be called by the chair of the district school board or by a majority of the members of the district school board by giving 2 days' written notice of the time and purpose of the meeting to all members and to the district school superintendent, in which event the minutes of the meeting shall set forth the facts regarding the procedure in calling the meeting and the reason therefor and shall be signed either by the chair or by a majority of the members of the district school board.

(2) PLACE OF MEETINGS.--

(a) Except as provided in paragraph (b), all regular and special meetings of the district school board shall be held in the office of the district school superintendent or in a room convenient to that office and regularly designated as the district school board meeting room.

(b) Upon the giving of due public notice, regular or special meetings of the district school board may be held at any appropriate public place in the county.

(c) For purpose of this section, due public notice shall consist of publication in a newspaper of general circulation in the county or in each county where there is no newspaper of general circulation in the county an announcement over at least one radio station whose signal is generally received in the county, a reasonable number of times daily during the 48 hours immediately preceding the date of such meeting, or by posting a notice at the courthouse door if no newspaper is published in the county, at least 2 days prior to the meeting.

(3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The presiding officer of any district school board may order the removal, from a public meeting held by the district school board, of any person interfering with the expeditious or orderly process of such meeting, provided such officer has first issued a warning that continued interference with the orderly processes of the meeting will result in removal. Any law enforcement authority or a sergeant-at-arms designated by the officer shall remove any person ordered removed pursuant to this section.

(4) MAJORITY A QUORUM.--A majority shall constitute a quorum for any meeting of the district school board. No business may be transacted at any meeting unless a quorum is

present, except that a minority of the district school board may adjourn the meeting from time to time until a quorum is present.

Section 50. Section 1001.38, Florida Statutes, is created to read:

1001.38 Vacancies; how filled.--The office of any district school board member shall be vacant when the member removes his or her residence from the district school board member residence area from which he or she was elected. All vacancies on the district school board shall be filled by appointment by the Governor.

Section 51. Section 1001.39, Florida Statutes, is created to read:

1001.39 District school board members; travel expenses.--

(1) In addition to the salary provided in s. 1001.395, each member of a district school board shall be allowed, from the district school fund, reimbursement of travel expenses as authorized in s. 112.061, except as provided in subsection (2). Any travel outside the district shall also be governed by the rules of the State Board of Education.

(2) Each district school board may reimburse a district school board member for travel expenses for travel from the member's residence incurred in the performance of a public purpose authorized by law to be performed by the district school board, including, but not limited to, attendance at regular and special board meetings. Mileage allowance in the amount provided by law for reimbursement of travel expenses, when authorized, shall be computed from the member's place of residence to the place of the meeting or function and return.

Section 52. Effective upon this act becoming a law, section 1001.395, Florida Statutes, is created to read:

1001.395 District school board members; compensation.--

(1) Each district school board shall annually determine the salary of its members at the first regular meeting following the organizational meeting held pursuant to s. 1001.371. The proposed salary to be adopted shall be noticed at the time of the meeting notice and shall not be increased during the meeting. The salary adopted by the district school board shall be in effect during the succeeding 12 months.

(2) This section shall apply to any district school board member elected or reelected at the November 2002 general election or any subsequent general election and to any person appointed to fill a vacancy in the office of any such member.

Section 53. Section 1001.40, Florida Statutes, is created to read:

1001.40 District school board to constitute a corporation.--The governing body of each school district shall be a district school board. Each district school board is constituted a body corporate by the name of "The School Board of .... County, Florida." In all suits against district school boards, service of process shall be had on the chair of the district school board or, if he or she cannot be found, on the district school superintendent as executive officer of the district school board or, in the absence of the chair and the district school superintendent, on another member of the district school board.

Section 54. Section 1001.41, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

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

(1) Determine policies and programs consistent with state law and rule deemed necessary by it for the efficient operation and general improvement of the district school system.

(2) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it to supplement those prescribed by the State Board of Education and the Commissioner of Education.

(3) Prescribe and adopt standards as are considered desirable by it for improving the district school system.

(4) Contract, sue, and be sued. The district school board shall constitute the contracting agent for the district school system.

(5) Perform duties and exercise those responsibilities that are assigned to it by law or by rules of the State Board of Education or the Commissioner of Education and, in addition thereto, those that it may find to be necessary for the improvement of the district school system in carrying out the purposes and objectives of the education code.

(6) Assign students to schools.

(7) Enter into agreements for accepting credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees, as authorized by law.

Section 55. Section 1001.42, Florida Statutes, is created to read:

1001.42 Powers and duties of district school board.--The district school board, acting as a board, shall

exercise all powers and perform all duties listed below:

(1) REQUIRE MINUTES AND RECORDS TO BE KEPT.--Require the district school superintendent, as secretary, to keep such minutes and records as are necessary to set forth clearly all actions and proceedings of the school board.

(a) Minutes, recording.--The minutes of each meeting shall be reviewed, corrected if necessary, and approved at the next regular meeting, provided that this action may be taken at an intervening special meeting if the district school board desires. The minutes shall be kept as a public record in a permanent location.

(b) Minutes, contents.--The minutes shall show the vote of each member present on all matters on which the district school board takes action. It shall be the duty of each member to see to it that both the matter and his or her vote thereon are properly recorded in the minutes. Unless otherwise shown by the minutes, it shall be presumed that the vote of each member present supported any action taken by the district school board in either the exercise of, violation of, or neglect of the powers and duties imposed upon the district school board by law or rule, whether such action is recorded in the minutes or is otherwise established. It shall also be presumed that the policies, appointments, programs, and expenditures not recorded in the minutes but made and actually in effect in the district school system were made and put into effect at the direction of the district school board, unless it can be shown that they were done without the actual or constructive knowledge of the members of the district school board.

(2) CONTROL PROPERTY.--Subject to rules of the State Board of Education, control property and convey the title to

real and personal property.

(3) ADOPT SCHOOL PROGRAM.--Adopt a school program for the entire school district.

(4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.--Adopt and provide for the execution of plans for the establishment, organization, and operation of the schools of the district, including, but not limited to, the following:

(a) Schools and enrollment plans.--Establish schools and adopt enrollment plans that may include school attendance areas and open enrollment provisions.

(b) Elimination of school centers and consolidation of schools.--Provide for the elimination of school centers and the consolidation of schools.

(c) Adequate educational facilities for all children without tuition.--Provide adequate educational facilities for all children without payment of tuition.

(d) Cooperate with school boards of adjoining districts in maintaining schools.--Approve plans for cooperating with school boards of adjoining districts in this state or in adjoining states for establishing school attendance areas composed of territory lying within the districts and for the joint maintenance of district-line schools or other schools which are to serve those attendance areas. The conditions of such cooperation shall be as follows:

1. Establishment.--The establishment of a school to serve attendance areas lying in more than one district and the plans for maintaining the school and providing educational services to students shall be effected by annual resolutions spread upon the minutes of each district school board concerned, which resolutions shall set out the territorial

limits of the areas from which children are to attend the school and the plan to be followed in maintaining and operating the school.

2. Control.--Control of the school or schools involved shall be vested in the district school board of the district in which the school or schools are located unless otherwise agreed by the district school boards.

3. Settlement of disagreements.--In the event an agreement cannot be reached relating to such attendance areas or to the school or schools therein, the matter may be referred jointly by the cooperating district school boards or by either district school board to the Department of Education for decision under rules of the State Board of Education, and its decision shall be binding on both school boards.

(e) Classification and standardization of schools.--Provide for the classification and standardization of schools.

(f) Opening and closing of schools; fixing uniform date.--Adopt policies for the opening and closing of schools and fix uniform dates.

(g) Observance of school holidays and vacation periods.--Designate the observance of school holidays and vacation periods.

(h) Career and technical classes and schools.--Provide for the establishment and maintenance of career and technical schools, departments, or classes, giving instruction in career and technical education as defined by rules of the State Board of Education, and use any moneys raised by public taxation in the same manner as moneys for other school purposes are used for the maintenance and support of public schools or classes.

(i) District school boards may establish public

evening schools.--Have the authority to establish public evening schools.

(j) Cooperate with other agencies in joint projects.--Cooperate with other agencies in joint projects.

(k) Planning time for teachers.--May adopt rules for planning time for teachers in accordance with the provisions of chapter 1012.

(l) Exceptional students.--Provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable in accordance with the provisions of s. 1003.57.

(m) Alternative education programs for students in residential care facilities.--Provide, in accordance with the provisions of chapter 1006, educational programs according to rules of the State Board of Education to students who reside in residential care facilities operated by the Department of Children and Family Services.

(n) Educational services in detention facilities.--In accordance with the provisions of chapter 1006, offer services to students in detention facilities.

(5) PERSONNEL.--Designate positions to be filled, prescribe qualifications for those positions, and provide for the appointment, compensation, promotion, suspension, and dismissal of employees, subject to the requirements of chapter 1012. Notwithstanding s. 1012.55 or any other provision of law or rule to the contrary, the district school board may, consistent with adopted district school board policy relating to alternative certification for school principals, appoint persons to the position of school principal who do not hold educator certification.

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(6) CHILD WELFARE.--In accordance with the provisions of chapters 1003 and 1006, provide for the proper accounting for all children of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of children.

(7) COURSES OF STUDY AND OTHER INSTRUCTIONAL MATERIALS.--Provide adequate instructional materials for all students in accordance with the requirements of chapter 1006.

(8) TRANSPORTATION OF STUDENTS.--After considering recommendations of the district school superintendent, make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules and regulations to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in chapter 1006.

(9) SCHOOL PLANT.--Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 1013 and as follows:

(a) School building program.--Approve and adopt a districtwide school building program.

(b) Sites, buildings, and equipment.--

1. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of projected students to be accommodated.

2. Approve the proposed purchase of any site, playground, or recreational area for which district funds are to be used.

3. Expand existing sites.

4. Rent buildings when necessary.

5. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 1013.15(2), with private individuals or corporations for the rental of necessary grounds and educational facilities for school purposes or of educational facilities to be erected for school purposes. Current or other funds authorized by law may be used to make payments under a lease-purchase agreement. Notwithstanding any other statutes, if the rental is to be paid from funds received from ad valorem taxation and the agreement is for a period greater than 12 months, an approving referendum must be held. The provisions of such contracts, including building plans, shall be subject to approval by the Department of Education, and no such contract shall be entered into without such approval. As used in this section, "educational facilities" means the buildings and equipment that are built, installed, or established to serve educational purposes and that may lawfully be used. The State Board of Education may adopt such rules as are necessary to implement these provisions.

6. Provide for the proper supervision of construction.

7. Make or contract for additions, alterations, and repairs on buildings and other school properties.

8. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of students, as well as for economy of construction.

(c) Maintenance and upkeep of school plant.--Provide

adequately for the proper maintenance and upkeep of school plants, so that students may attend school without sanitary or physical hazards, and provide for the necessary heat, lights, water, power, and other supplies and utilities necessary for the operation of the schools.

(d) Insurance of school property.--Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less that are of frame construction and located in a tenth class public protection zone as defined by the Florida Inspection and Rating Bureau, and on all school buses and other property under the control of the district school board or title to which is vested in the district school board, except as exceptions may be authorized under rules of the State Board of Education.

(e) Condemnation of buildings.--Condemn and prohibit the use for public school purposes of any building that can be shown for sanitary or other reasons to be no longer suitable for such use and, when any building is condemned by any state or other government agency as authorized in chapter 1013, see that it is no longer used for school purposes.

(10) FINANCE.--Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 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 rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for such minimum term; and 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 rules of the State Board of Education, 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; and 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 that should be transmitted to the district 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. 1011.12-1011.16, 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 or independent certified public accountants; and have prepared required periodic statements to be filed with the Department of Education as provided by rules of the State Board of Education.

(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 district school board, with the district school superintendent, or with any business organization in which any district school board member or the district school 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 postsecondary educational institutions.

(k) Protection against loss.--Provide for adequate

protection against any loss or damage to school property or loss resulting from any liability for which the district school board or its officers, agents, or employees may be responsible under law. In fulfilling this responsibility, the district school board may 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 district school 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 district school boards and an annual audit by an independent certified public accountant of all receipts and disbursements.

(l) Internal auditor.--May employ an internal auditor to perform ongoing financial verification of the financial records of the school district. The internal auditor shall report directly to the district school board or its designee.

(m) Financial and performance audits.--In addition to the audits required by ss. 11.45 and 218.39, may contract with an independent certified public accountant to conduct a financial or performance audit of its accounts and records retained by it and paid from its public funds.

(11) RECORDS AND REPORTS.--Provide for the keeping of all necessary records and the making of all needed or required reports, as follows:

(a) Forms, blanks, and reports.--Require all employees to keep accurately all records and to make promptly in the proper form all reports required by law or by rules of the State Board of Education.

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(b) Reports to the department.--Require that the district school superintendent prepare all reports to the Department of Education that may be required by law or rules of the State Board of Education; see that all such reports are promptly transmitted to the department; withhold the further payment of salary to the superintendent or employee when notified by the department that he or she has failed to file any report within the time or in the manner prescribed; and continue to withhold the salary until the district school board is notified by the department that such report has been received and accepted, provided that when any report has not been received by the date due and after due notice has been given to the district school board of that fact, the department, if it deems necessary, may require the report to be prepared by a member of its staff, and the district school board shall pay all expenses connected therewith. Any member of the district school board who is responsible for the violation of this provision is subject to suspension and removal.

(c) Reports to parents.--Require that, at regular intervals, reports are made by school principals or teachers to parents, apprising them of the progress being made by the students in their studies and giving other needful information.

(12) COOPERATION WITH OTHER DISTRICT SCHOOL BOARDS.--May establish and participate in educational consortia that are designed to provide joint programs and services to cooperating school districts, consistent with the provisions of s. 4(b), Art. IX of the State Constitution. The State Board of Education shall adopt rules providing for the establishment, funding, administration, and operation of such

consortia.

(13) ENFORCEMENT OF LAW AND RULES.--Require that all laws and rules of the State Board of Education or of the district school board are properly enforced.

(14) SCHOOL LUNCH PROGRAM.--Assume such responsibilities and exercise such powers and perform such duties as may be assigned to it by law or as may be required by rules of the State Board of Education or, as in the opinion of the district school board, are necessary to ensure school lunch services, consistent with needs of students; effective and efficient operation of the program; and the proper articulation of the school lunch program with other phases of education in the district.

(15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.--

(a) Adopt procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district, including educational opportunities available through the Florida Virtual School.

(b) Encourage teachers and administrators to keep parents informed of student progress, student programs, student attendance requirements pursuant to ss. 1003.26, 1003.27, 414.1251, and 984.151, and availability of resources for academic assistance.

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

planning and budgeting required by this section and ss. 1008.385, 1010.01, and 1011.01. This system of school improvement and education accountability shall include, but is not 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, except that a district school board may establish a district school improvement plan that includes all schools in the district operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Such plan shall be designed to achieve the state education priorities pursuant to s. 1000.03(5) and student performance standards. Each plan shall also address issues relative to budget, training, instructional materials, technology, staffing, student support services, specific school safety and discipline strategies, and other matters of resource allocation, as determined by district 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 district school board does not approve a school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance.

(c) Assistance and intervention.--

1. Develop a 2-year plan of increasing individualized assistance and intervention for each school in danger of not meeting state standards or making adequate progress, as defined pursuant to statute and State Board of Education rule,

toward meeting the goals and standards of its approved school improvement plan.

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

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

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

(d) After 2 years.--Notify the Commissioner of Education 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 years of failing to make adequate progress 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. 1008.385 and 1008.22 and implement a system of school reports as required by statute and State Board of Education rule that shall include schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, and for those schools, report on the elements specified in s. 1003.52(20). 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. 1001.452.

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

(19) AUTHORITY TO DECLARE AN EMERGENCY.--May declare an emergency in cases in which one or more schools in the district are failing or are in danger of failing and negotiate special provisions of its contract with the appropriate bargaining units to free these schools from contract restrictions that limit the school's ability to implement programs and strategies needed to improve student performance.

(20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the anonymity of students in large schools, adopt policies to encourage any school that does not meet the definition of a small school, as established by s. 1013.43(2), to subdivide into schools-within-a-school, that shall operate within existing resources in accordance with the provisions of chapter 1003.

(21) FLORIDA VIRTUAL SCHOOL.--Provide students with access to enroll in courses available through the Florida Virtual School and award credit for successful completion of

such courses. Access shall be available to students during or after the normal school day, and through summer school enrollment.

(22) ADOPT RULES.--Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 56. Section 1001.43, Florida Statutes, is created to read:

1001.43 Supplemental powers and duties of district school board.--The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(1) STUDENT MANAGEMENT.--The district school board may adopt programs and policies to ensure the safety and welfare of individuals, the student body, and school personnel, which programs and policies may:

(a) Prohibit the possession of weapons and drugs on campus, student hazing, and other activities that could threaten the operation of the school or the safety and welfare of the student body or school personnel.

(b) Require uniforms to be worn by the student body, or impose other dress-related requirements, if the district school board finds that those requirements are necessary for the safety or welfare of the student body or school personnel.

(c) Provide procedures for student dismissal precautions and for granting permission for students to leave school grounds during school hours, including releasing a student from school upon request by a parent or for public appearances of school groups.

(d) Provide procedures for managing protests, demonstrations, sit-ins, walk-outs, or other acts of civil disobedience.

(e) Provide procedures for detaining students and for readmission of students after expulsion.

(f) Regulate student automobile use and parking.

(2) FISCAL MANAGEMENT.--The district school board may adopt policies providing for fiscal management of the school district with respect to school purchasing, facilities, nonstate revenue sources, budgeting, fundraising, and other activities relating to the fiscal management of district resources, including, but not limited to, the policies governing:

(a) Sales calls and demonstrations by agents, solicitors, salespersons, and vendors on campus; local preference criteria for vendors; specifications for quantity purchasing; prioritization of awards for bids; declining bid awards; and purchase requisitions, approvals, and routing.

(b) Sales by booster clubs; marathon fundraisers; and student sales of candy, paper products, or other goods authorized by the district school board.

(c) Inventory and disposal of district property; use of safe-deposit boxes; and selection of real estate appraisers.

(d) Payment of contractors and other service providers.

(e) Accounting systems; petty cash accounts procedures and reporting; school activities funds procedures and reporting; management and reporting of grants from private sources; and management of funds, including auxiliary enterprise funds.

(f) District budgeting system, including setting budget deadlines and schedules, budget planning, and implementation and determination of budget priorities.

(3) INSTRUCTIONAL AIDS.--The district school board may adopt policies providing for innovative teaching techniques, teaching programs and methods, instructional aids and objectives, extracurricular and interscholastic activities, and supplemental programs including, but not limited to, policies providing for:

(a) Use of technology, including appropriate use of the Internet as a tool for learning.

(b) Instructional priorities and objectives, pilot projects and evaluations, curriculum adoption and design, and lesson planning.

(c) Extracurricular and interscholastic activities, including field trips, publishing a student newspaper and other publications, and special programs relating to the arts, music, or other topics of current interest.

(d) Participation in physical education programs, including appropriate physical education attire and protective gear; programs for exceptional students; summer school; and the Title I program, including comparability procedures.

(4) FACILITIES MANAGEMENT.--The district school board may adopt policies providing for management of the physical campus and its environs, including, but not limited to, energy conservation measures; building and ground maintenance; fencing, landscaping, and other property improvements; site acquisition; new construction and renovation; dedication and rededication or naming and renaming of district buildings and other district facilities; and development of facilities management planning and priorities.

(5) SCHOOL COMMUNITY RELATIONS.--The district school board may adopt policies governing public gifts and donations to schools; input from the community concerning instruction

resources; advertising in schools; participation in community affairs, including coordination with local governments and planning authorities; protocols for interagency agreements; business community partnerships; community use of school facilities; public solicitations in schools, including the distribution and posting of promotional materials and literature; visitors to the school campus; school advisory councils; and parent volunteers and chaperones.

(6) LEGAL ISSUES.--The district school board may adopt policies and procedures necessary to implement federal mandates and programs, court orders, and other legal requirements of the state.

(7) FIRST AID AND EMERGENCIES.--The district school board may adopt programs and policies to ensure appropriate response in emergency situations; the provision of first aid to individuals, the student body, and school personnel; and the effective management of student illness, which programs and policies may include, but are not limited to:

(a) The provision of first aid and emergency medical care and the provision of school health care facilities and services.

(b) The provision of school safety patrol.

(c) Procedures for reporting hazards, including threats of nature, bomb threats, threatening messages, and similar occurrences, and the provision of warning systems including alarm systems and other technical devices.

(d) Procedures for evacuating the classrooms, playground, or any other district facility.

(e) Procedures for reporting accidents, including traffic accidents and traffic violations involving district-owned vehicles.

1 (f) Student insurance programs.
2 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district
3 school board may adopt policies and procedures governing
4 attendance monitoring and checks; truancy; graduation
5 requirements and graduation exercises; fees, fines, and
6 charges imposed on students; evaluation of student records and
7 transcripts; transfer of student records; grading and academic
8 evaluation of students; tests and examinations, including
9 early examinations; guidance and counseling; and student
10 participation in competitions, student performances and
11 exhibitions, contests for students, and social events.
12 (9) ADMINISTRATIVE SUPPORT SERVICES.--The district
13 school board may adopt policies and procedures governing
14 purchase of property insurance, including comprehensive
15 general liability insurance; transportation of students for
16 extracurricular activities and special events, including
17 transportation of students in privately owned vehicles;
18 transportation of district personnel, including personal use
19 of district owned vehicles; computer security and computer
20 room access and computer database resources; mail and delivery
21 services, including use of couriers; copyright compliance; and
22 computerized data systems, including computer use,
23 transmission of data, access to the Internet, and other
24 technology-based services.
25 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND
26 OPERATIONS.--The district school board may adopt policies and
27 procedures necessary for the daily business operation of the
28 district school board, including, but not limited to, the
29 provision of legal services for the district school board;
30 conducting a district legislative program; district school
31 board member participation at conferences, conventions, and

workshops, including member compensation and reimbursement for expenses; district school board policy development, adoption, and repeal; district school board meeting procedures, including participation via telecommunications networks, use of technology at meetings, and presentations by nondistrict personnel; citizen communications with the district school board and with individual district school board members; collaboration with local government and other entities as required by law; and organization of the district school board, including special committees and advisory committees.

(11) PERSONNEL.--The district school board may adopt policies and procedures necessary for the management of all personnel of the school system.

(12) COOPERATION WITH COMMUNITY COLLEGES.--The district school board shall work with the community colleges in the district to ensure that the community college students have access to remedial education.

Section 57. Section 1001.44, Florida Statutes, is created to read:

1001.44 Technical centers.--

(1) DISTRICT SCHOOL BOARD MAY ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--Any district school board, after first obtaining the approval of the Department of Education, may, as a part of the district school system, organize, establish and operate a technical center, or acquire and operate a technical school previously established.

(2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school boards of any two or more contiguous districts may, upon first obtaining the approval of the department, enter into an agreement to organize, establish and operate, or acquire and

operate, a technical center under this section.

(3) TECHNICAL CENTER PART OF DISTRICT SCHOOL SYSTEM DIRECTED BY A DIRECTOR.--

(a) A technical center established or acquired under provisions of law and minimum standards prescribed by the commissioner shall comprise a part of the district school system and shall mean an educational institution offering terminal courses of a technical nature, and courses for out-of-school youth and adults; shall be subject to all applicable provisions of this code; shall be under the control of the district school board of the school district in which it is located; and shall be directed by a director responsible through the district school superintendent to the district school board of the school district in which the center is located.

(b) Each technical center shall maintain an academic transcript for each student enrolled in the center. Such transcript shall delineate each course completed by the student. Courses shall be delineated by the course prefix and title assigned pursuant to s. 1007.24. The center shall make a copy of a student's transcript available to any student who requests it.

Section 58. Section 1001.451, Florida Statutes, is created to read:

1001.451 Regional consortium service organizations.--In order to provide a full range of programs to larger numbers of students, minimize duplication of services, and encourage the development of new programs and services:

(1) School districts with 20,000 or fewer unweighted full-time equivalent students may enter into cooperative

agreements to form a regional consortium service organization. Each regional consortium service organization shall provide, at a minimum, three of the following services: exceptional student education; teacher education centers; environmental education; federal grant procurement and coordination; data processing; health insurance; risk management insurance; staff development; purchasing; or planning and accountability.

(2)(a) Each regional consortium service organization that consists of four or more school districts is eligible to receive, through the Department of Education, an incentive grant of $25,000 per school district to be used for the delivery of services within the participating school districts.

(b) Application for incentive grants shall be made to the Commissioner of Education by July 30 of each year for distribution to qualifying regional consortium service organizations by January 1 of the fiscal year.

Section 59. Section 1001.452, Florida Statutes, is created to read:

1001.452 District and school advisory councils.--

(1) ESTABLISHMENT.--

(a) The district 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. 1008.345, and 1001.42(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. 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 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 district school board shall establish procedures for use by schools in selecting business and community members that include means of ensuring wide notice of vacancies and of taking input on possible members from local business, chambers of commerce, community and civic organizations and groups, and the public at large. The district school board shall review the membership composition of each advisory council. If the district school board determines that the membership elected by the school is not representative of the ethnic, racial, and economic community served by the school, the district school board shall appoint additional members to achieve proper representation. The commissioner shall determine if schools

have maximized their efforts to include on their advisory councils minority persons and persons of lower socioeconomic status. Although schools are strongly encouraged to establish school advisory councils, the district school board of 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. 1012.01 and whose duties require 20 or more hours in each normal working week.

(b) The district 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 that may be comprised of representatives of each school advisory council. Recognized schoolwide support groups that meet all criteria established by law or rule may function as school advisory councils.

(c) For those schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, district school boards may establish a district advisory council with appropriate representatives for the purpose of developing and monitoring a district school improvement plan that encompasses all such schools in the district, pursuant to s. 1001.42(16)(a).

(2) DUTIES.--Each advisory council shall perform such functions as are prescribed by regulations of the district

school board; however, no advisory council shall have any of the powers and duties now reserved by law to the district school board. Each school advisory council shall assist in the preparation and evaluation of the school improvement plan required pursuant to s. 1001.42(16). 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. 1008.385(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.

Section 60. Section 1001.453, Florida Statutes, is created to read:

1001.453 Direct-support organization; use of property; board of directors; audit.--

(1) DEFINITIONS.--For the purposes of this section, the term:

(a) "District school board direct-support organization" means an organization that:

1. Is approved by the district school board;

2. Is a Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State; and

3. Is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and technical and community education programs in this state.

(b) "Personal services" includes full-time or part-time personnel, as well as payroll processing.

(2) USE OF PROPERTY.--A district school board:

(a) Is authorized to permit the use of property, facilities, and personal services of the district by a direct-support organization, subject to the provisions of this section.

(b) Shall prescribe by rule conditions with which a district school board direct-support organization must comply in order to use property, facilities, or personal services of the district. Adoption of such rules shall be coordinated with the Department of Education. The rules shall provide for budget and audit review and oversight by the district school board and the department.

(c) Shall not permit the use of property, facilities, or personal services of a direct-support organization if such organization does not provide equal employment opportunities to all persons, regardless of race, color, religion, sex, age, or national origin.

(3) BOARD OF DIRECTORS.--The board of directors of the district school board direct-support organization shall be approved by the district school board.

(4) ANNUAL AUDIT.--Each direct-support organization with more than $100,000 in expenditures or expenses shall provide for an annual financial audit of its accounts and records, to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and the Commissioner of Education. The annual audit report shall be submitted within 9 months after the fiscal year's end to the district school board and the Auditor General. The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority to require and receive from the organization or the district auditor any

records relative to the operation of the organization. The identity of donors and all information identifying donors and prospective donors are confidential and exempt from the provisions of s. 119.07(1), and that anonymity shall be maintained in the auditor's report. All other records and information shall be considered public records for the purposes of chapter 119.

Section 61. Part II.b. of chapter 1001, Florida Statutes, shall be entitled "District School Superintendents" and shall consist of ss. 1001.46-1001.53.

Section 62. Section 1001.46, Florida Statutes, is created to read:

1001.46 District school superintendent; election and term of office.--The district school superintendent shall be elected for a term of 4 years or until the election or appointment and qualification of his or her successor.

Section 63. Section 1001.461, Florida Statutes, is created to read:

1001.461 District school superintendent; procedures for making office appointive.--

(1) Pursuant to the provisions of s. 5, Art. IX of the State Constitution, the district school superintendent shall be appointed by the district school board in a school district wherein the proposition is affirmed by a majority of the qualified electors voting in the same election making the office of district school superintendent appointive.

(2) To submit the proposition to the electors, the district school board by formal resolution shall request an election, that shall be at a general election or a statewide primary or special election. The board of county commissioners, upon such timely request from the district

school board, shall cause to be placed on the ballot at such election the proposition to make the office of district school superintendent appointive.

(3) Any district adopting the appointive method for its district school superintendent may after 4 years return to its former status and reject the provisions of this section by following the same procedure outlined in subsection (2) for adopting the provisions thereof.

Section 64. Section 1001.462, Florida Statutes, is created to read:

1001.462 Oath of district school superintendent.--Before entering upon the duties of his or her office, the district school superintendent shall take the oath of office prescribed by the State Constitution.

Section 65. Section 1001.463, Florida Statutes, is created to read:

1001.463 Vacancy in office of district school superintendent.--The office of district school superintendent in any district shall be vacant when the district school superintendent removes his or her residence from the district.

Section 66. Section 1001.464, Florida Statutes, is created to read:

1001.464 District school superintendent to devote full time to office.--The position of district school superintendent shall be considered a full-time position.

Section 67. Section 1001.47, Florida Statutes, is created to read:

1001.47 District school superintendent; salary.--

(1) Each district school superintendent shall receive as salary the amount indicated pursuant to this section. However, a district school board, by majority vote, may

1 approve a salary in excess of the amount specified in this
2 section.
3 (2) Notwithstanding the provisions of chapter 145 to
4 the contrary, the annual salaries of elected district school
5 superintendents for 1993 and each year thereafter shall be
6 established at the same amounts as the district school
7 superintendents were paid for fiscal year 1991-1992, adjusted
8 by each annual increase provided for in chapter 145.
9 (3) This section does not apply to a district school
10 superintendent appointed pursuant to the terms of s. 1001.50.
11 (4)(a) There shall be an additional $2,000 per year
12 special qualification salary for each district school
13 superintendent who has met the certification requirements
14 established by the Department of Education. Any district
15 school superintendent who is certified during a calendar year
16 shall receive in that year a pro rata share of the special
17 qualification salary based on the remaining period of the
18 year.
19 (b) In order to qualify for the special qualification
20 salary provided by paragraph (a), the district school
21 superintendent must complete the requirements established by
22 the Department of Education within 6 years after first taking
23 office.
24 (c) After a district school superintendent meets the
25 requirements of paragraph (a), in order to remain certified
26 the district school superintendent shall thereafter be
27 required to complete each year a course of continuing
28 education as prescribed by the Department of Education.
29 (5)(a) The Department of Education shall provide a
30 leadership development and performance compensation program
31 for district school superintendents, comparable to chief

1 executive officer development programs for corporate executive
2 officers, to include:
3 1. A content-knowledge-and-skills phase consisting of:
4 creative leadership models and theory, demonstration of
5 effective practice, simulation exercises and personal skills
6 practice, and assessment with feedback, taught in a
7 professional training setting under the direction of
8 experienced, successful trainers.
9 2. A competency-acquisition phase consisting of
10 on-the-job application of knowledge and skills for a period of
11 not less than 6 months following the successful completion of
12 the content-knowledge-and-skills phase. The
13 competency-acquisition phase shall be supported by adequate
14 professional technical assistance provided by experienced
15 trainers approved by the department. Competency acquisition
16 shall be demonstrated through assessment and feedback.
17 (b) Upon the successful completion of both phases and
18 demonstrated successful performance, as determined by the
19 department, a district school superintendent shall be issued a
20 Chief Executive Officer Leadership Development Certificate and
21 shall be given an annual performance salary incentive of not
22 less than $3,000 or more than $7,500 based upon his or her
23 performance evaluation.
24 (c) A district school superintendent's eligibility to
25 continue receiving the annual performance salary incentive is
26 contingent upon his or her continued performance assessment
27 and followup training prescribed by the department.
28 Section 68. Section 1001.48, Florida Statutes, is
29 created to read:
30 1001.48 Secretary and executive officer of the
31 district school board.--The district school superintendent

shall be the secretary and executive officer of the district school board, provided that when the district school superintendent is required to be absent on account of performing services in the volunteer forces of the United States or in the National Guard of the state or in the regular Army or Navy of the United States, when said district school superintendent shall be called into active training or service of the United States under an Act of Congress or pursuant to a proclamation by the President of the United States, the district school superintendent shall then be entitled to a leave of absence not to exceed the remaining portion of the term for which he or she was elected.

Section 69. Section 1001.49, Florida Statutes, is created to read:

1001.49 General powers of district school superintendent.--The district school superintendent shall have the authority, and when necessary for the more efficient and adequate operation of the district school system, the district school superintendent shall exercise the following powers:

(1) GENERAL OVERSIGHT.--Exercise general oversight over the district school system in order to determine problems and needs, and recommend improvements.

(2) ADVISE, COUNSEL, AND RECOMMEND TO DISTRICT SCHOOL BOARD.--Advise and counsel with the district school board on all educational matters and recommend to the district school board for action such matters as should be acted upon.

(3) RECOMMEND POLICIES.--Recommend to the district school board for adoption such policies pertaining to the district school system as the district school superintendent may consider necessary for its more efficient operation.

(4) RECOMMEND AND EXECUTE RULES.--Prepare and organize

by subjects and submit to the district school board for adoption such rules to supplement those adopted by the State Board of Education as, in the district school superintendent's opinion, will contribute to the efficient operation of any aspect of education in the district. When rules have been adopted, the district school superintendent shall see that they are executed.

(5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From time to time prepare, organize by subject, and submit to the district school board for adoption such minimum standards relating to the operation of any phase of the district school system as are needed to supplement those adopted by the State Board of Education and as will contribute to the efficient operation of any aspect of education in the district and ensure that minimum standards adopted by the district school board and the state board are observed.

(6) PERFORM DUTIES AND EXERCISE RESPONSIBILITIES.--Perform such duties and exercise such responsibilities as are assigned to the district school superintendent by law and by rules of the State Board of Education.

Section 70. Section 1001.50, Florida Statutes, is created to read:

1001.50 Superintendents employed under Art. IX of the State Constitution.--

(1) In every district authorized to employ a district school superintendent under Art. IX of the State Constitution, the district school superintendent shall be the executive officer of the district school board and shall not be subject to the provisions of law, either general or special, relating to tenure of employment or contracts of other school

personnel. The district school superintendent's duties relating to the district school system shall be as provided by law and rules of the State Board of Education.

(2) The district school board of each of such districts shall enter into contracts of employment with the district school superintendent and shall adopt rules relating to his or her appointment.

(3) The district school board of each such district shall pay to the district school superintendent a reasonable annual salary. In determining the amount of compensation to be paid, the board shall take into account such factors as:

(a) The population of the district.

(b) The rate and character of population growth.

(c) The size and composition of the student body to be served.

(d) The geographic extent of the district.

(e) The number and character of the schools to be supervised.

(f) The educational qualifications, professional experience, and age of the candidate for the position of district school superintendent.

Section 71. Section 1001.51, Florida Statutes, is created to read:

1001.51 Duties and responsibilities of district school superintendent.--The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the

district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL BOARD.--Preside at the organization meeting of the district school board and transmit to the Department of Education, within 2 weeks following such meeting, a certified copy of the proceedings of organization, including the schedule of regular meetings, and the names and addresses of district school officials.

(2) REGULAR AND SPECIAL MEETINGS OF THE DISTRICT SCHOOL BOARD.--Attend all regular meetings of the district school board, call special meetings when emergencies arise, and advise, but not vote, on questions under consideration.

(3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep minutes of all official actions and proceedings of the district school board and keep such other records, including records of property held or disposed of by the district school board, as may be necessary to provide complete information regarding the district school system.

(4) SCHOOL PROPERTY.--Act for the district school board as custodian of school property.

(5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the assembling of data and sponsor studies and surveys essential to the development of a planned school program for the entire

1 district and prepare and recommend such a program to the
2 district school board as the basis for operating the district
3 school system.
4 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
5 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,
6 organization, and operation of such schools, classes, and
7 services as are needed to provide adequate educational
8 opportunities for all children in the district.
9 (7) PERSONNEL.--Be responsible, as required herein,
10 for directing the work of the personnel, subject to the
11 requirements of chapter 1012.
12 (8) COURSES OF STUDY AND OTHER INSTRUCTIONAL
13 AIDS.--Recommend such plans for improving, providing,
14 distributing, accounting for, and caring for textbooks and
15 other instructional aids as will result in general improvement
16 of the district school system, as prescribed in chapter 1006.
17 (9) TRANSPORTATION OF STUDENTS.--Provide for student
18 transportation as prescribed in s. 1006.21.
19 (10) SCHOOL PLANT.--Recommend plans, and execute such
20 plans as are approved, regarding all phases of the school
21 plant program, as prescribed in chapter 1013.
22 (11) FINANCE.--Recommend measures to the district
23 school board to assure adequate educational facilities
24 throughout the district, in accordance with the financial
25 procedure authorized in chapters 1010 and 1011 and as
26 prescribed below:
27 (a) Plan for operating all schools for minimum
28 term.--Determine and recommend district funds necessary in
29 addition to state funds to provide for at least a 180-day
30 school term or the equivalent on an hourly basis as specified
31 by rules adopted by the State Board of Education and recommend

plans for ensuring the operation of all schools for the term authorized by the district school board.

(b) Annual budget.--Prepare the annual school budget to be submitted to the district school board for adoption according to law and submit this budget, when adopted by the district school board, to the Department of Education on or before the date required by rules of the State Board of Education.

(c) Tax levies.--Recommend to the district school board, on the basis of the needs shown by the budget, the amount of district school tax levy necessary to provide the district school funds needed for the maintenance of the public schools; recommend to the district school board the tax levy required on the basis of the needs shown in the budget for the district bond interest and sinking fund of each district; and recommend to the district school board to be included on the ballot at each district millage election the school district tax levies necessary to carry on the school program.

(d) School funds.--Keep an accurate account of all funds that should be transmitted to the district school board for school purposes at various periods during the year and ensure, insofar as possible, that these funds are transmitted promptly and report promptly to the district school board any delinquencies or delays that occur in making available any funds that should be made available for school purposes.

(e) Borrowing money.--Recommend when necessary the borrowing of money as prescribed by law.

(f) Financial records and accounting.--Keep or have kept accurate records of all financial transactions.

(g) Payrolls and accounts.--Maintain accurate and current statements of accounts due to be paid by the district

school board; certify these statements as correct; liquidate district school board obligations in accordance with the official budget and rules of the district school board; and prepare periodic reports as required by rules of the State Board of Education, showing receipts, balances, and disbursements to date, and file copies of such periodic reports with the Department of Education.

(h) Bonds for employees.--Recommend the bonds of all school employees who should be bonded in order to provide reasonable safeguards for all school funds or property.

(i) Contracts.--After study of the feasibility of contractual services with industry, recommend to the district school board the desirable terms, conditions, and specifications for contracts for supplies, materials, or services to be rendered and see that materials, supplies, or services are provided according to contract.

(j) Investment policies.--After careful examination, recommend policies to the district school board that will provide for the investment or deposit of school funds not needed for immediate expenditures which shall earn the maximum possible yield under the circumstances on such investments or deposits. The district school superintendent shall cause to be invested at all times all school moneys not immediately needed for expenditures pursuant to the policies of the district school board.

(k) Protection against loss.--Recommend programs and procedures to the district school board necessary to protect the school system adequately against loss or damage to school property or against loss resulting from any liability for which the district school board or its officers, agents, or employees may be responsible under law.

(l) Millage elections.--Recommend plans and procedures for holding and supervising all school district millage elections.

(m) Budgets and expenditures.--Prepare, after consulting with the principals of the various schools, tentative annual budgets for the expenditure of district funds for the benefit of public school students of the district.

(n) Bonds.--Recommend the amounts of bonds to be issued in the district and assist in the preparation of the necessary papers for an election to determine whether the proposed bond issue will be approved by the electors and, if such bond issue be approved by the electors, recommend plans for the sale of bonds and for the proper expenditure of the funds derived therefrom.

(12) RECORDS AND REPORTS.--Recommend such records as should be kept in addition to those prescribed by rules of the State Board of Education; prepare forms for keeping such records as are approved by the district school board; ensure that such records are properly kept; and make all reports that are needed or required, as follows:

(a) Forms, blanks, and reports.--Require that all employees accurately keep all records and promptly make in proper form all reports required by the education code or by rules of the State Board of Education; recommend the keeping of such additional records and the making of such additional reports as may be deemed necessary to provide data essential for the operation of the school system; and prepare such forms and blanks as may be required and ensure that these records and reports are properly prepared.

(b) Reports to the department.--Prepare, for the approval of the district school board, all reports that may be

required by law or rules of the State Board of Education to be made to the department and transmit promptly all such reports, when approved, to the department, as required by law. If any such reports are not transmitted at the time and in the manner prescribed by law or by State Board of Education rules, the salary of the district school superintendent must be withheld until the report has been properly submitted. Unless otherwise provided by rules of the State Board of Education, the annual report on attendance and personnel is due on or before July 1, and the annual school budget and the report on finance are due on the date prescribed by the commissioner.

Any district school superintendent who knowingly signs and transmits to any state official a false or incorrect report shall forfeit his or her right to any salary for the period of 1 year from that date.

(13) COOPERATION WITH OTHER AGENCIES.--

(a) Cooperation with governmental agencies in enforcement of laws and rules.--Recommend plans for cooperating with, and, on the basis of approved plans, cooperate with federal, state, county, and municipal agencies in the enforcement of laws and rules pertaining to all matters relating to education and child welfare.

(b) Identifying and reporting names of migratory children, other information.--Recommend plans for identifying and reporting to the Department of Education the name of each child in the school district who qualifies according to the definition of a migratory child, based on Pub. L. No. 95-561, and for reporting such other information as may be prescribed by the department.

(14) ENFORCEMENT OF LAWS AND RULES.--Require that all

laws and rules of the State Board of Education, as well as supplementary rules of the district school board, are properly observed and report to the district school board any violation that the district school superintendent does not succeed in having corrected.

(15) COOPERATE WITH DISTRICT SCHOOL BOARD.--Cooperate with the district school board in every manner practicable to the end that the district school system may continuously be improved.

(16) VISITATION OF SCHOOLS.--Visit the schools; observe the management and instruction; give suggestions for improvement; and advise supervisors, principals, teachers, patrons, and other citizens with the view of promoting interest in education and improving the school conditions of the district.

(17) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call and conduct institutes and conferences with employees of the district school board, school patrons, and other interested citizens; organize and direct study and extension courses for employees, advising them as to their professional studies; and assist patrons and people generally in acquiring knowledge of the aims, services, and needs of the schools.

(18) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend such conferences for district school superintendents as may be called or scheduled by the Department of Education and avail himself or herself of means of professional and general improvement so that he or she may function most efficiently.

(19) RECOMMEND REVOKING CERTIFICATES.--Recommend in writing to the Department of Education the revoking of any certificate for good cause, including a full statement of the reason for the district school superintendent's

recommendation.

(20) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with the district school board and make available to his or her successor, upon retiring from office, a complete inventory of school equipment and other property, together with all official records and such other records as may be needed in supervising instruction and in administering the district school system.

(21) RECOMMEND PROCEDURES FOR INFORMING GENERAL PUBLIC.--Recommend to the district school board procedures whereby the general public can be adequately informed of the educational programs, needs, and objectives of public education within the district.

(22) SCHOOL IMPROVEMENT AND ACCOUNTABILITY.--Recommend procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule.

(23) OTHER DUTIES AND RESPONSIBILITIES.--Perform such other duties as are assigned to the district school superintendent by law or by rules of the State Board of Education.

Section 72. Section 1001.52, Florida Statutes, is created to read:

1001.52 Reproduction and destruction of district school records.--

(1) The purpose of this section is to reduce the present space required by the district school systems for the storage of their records and to permit the district school superintendent to administer the affairs of the district school system more efficiently.

(2) After complying with the provisions of s. 257.37,

the district school superintendent may photograph, microphotograph, or reproduce documents, records, data, and information of a permanent character which in his or her discretion he or she may select, and the district school superintendent may destroy any of the said documents after they have been reproduced and after audit of the district school superintendent's office has been completed for the period embracing the dates of said instruments. Information made in compliance with the provisions of this section shall have the same force and effect as the originals thereof would have, and shall be treated as originals for the purpose of their admissibility into evidence. Duly certified or authenticated reproductions shall be admitted into evidence equally with the originals.

(3) After complying with the provisions of s. 257.37, the district school superintendent may, in his or her discretion, destroy general correspondence that is over 3 years old and other records, papers, and documents over 3 years old that do not serve as part of an agreement or understanding and do not have value as permanent records.

Section 73. Section 1001.53, Florida Statutes, is created to read:

1001.53 District school superintendent responsible for enforcement of attendance.--The district school superintendent shall be responsible for the enforcement of the attendance provisions of chapters 1003 and 1006. In a district in which no attendance assistant is employed, the district school superintendent shall have those duties and responsibilities and exercise those powers assigned by law to attendance assistants.

Section 74. Part II.c. of chapter 1001, Florida

1 Statutes, shall be entitled "School Principals" and shall
2 consist of s. 1001.54.
3 Section 75. Section 1001.54, Florida Statutes, is
4 created to read:
5 1001.54 Duties of school principals.--
6 (1) A district school board shall employ, through
7 written contract, public school principals. The school
8 principal has authority over school district personnel in
9 accordance with s. 1012.28.
10 (2) Each school principal shall provide leadership in
11 the development or revision and implementation of a school
12 improvement plan, pursuant to s. 1001.42(16).
13 (3) Each school principal must make the necessary
14 provisions to ensure that all school reports are accurate and
15 timely, and must provide the necessary training opportunities
16 for staff to accurately report attendance, FTE program
17 participation, student performance, teacher appraisal, and
18 school safety and discipline data.
19 (4) Each school principal is responsible for the
20 management and care of instructional materials, in accordance
21 with the provisions of chapter 1006.
22 Section 76. Part III of chapter 1001, Florida
23 Statutes, shall be entitled "Community Colleges" and shall
24 consist of ss. 1001.61-1001.65.
25 Section 77. Section 1001.61, Florida Statutes, is
26 created to read:
27 1001.61 Community college boards of trustees;
28 membership.--
29 (1) Community college boards of trustees shall be
30 comprised of five members when a community college district is
31 confined to one school board district; seven members when a

1 community college district is confined to one school board
2 district and the board of trustees so elects; and not more
3 than nine members when the district contains two or more
4 school board districts, as provided by rules of the State
5 Board of Education. However, Florida Community College at
6 Jacksonville shall have an odd number of trustees.
7 (2) Trustees shall be appointed by the Governor and
8 confirmed by the Senate in regular session.
9 (3) Members of the board of trustees shall receive no
10 compensation but may receive reimbursement for expenses as
11 provided in s. 112.061.
12 (4) At its first regular meeting after July 1 of each
13 year, each community college board of trustees shall organize
14 by electing a chair, whose duty as such is to preside at all
15 meetings of the board, to call special meetings thereof, and
16 to attest to actions of the board, and a vice chair, whose
17 duty as such is to act as chair during the absence or
18 disability of the elected chair. It is the further duty of the
19 chair of each board of trustees to notify the Governor, in
20 writing, whenever a board member fails to attend three
21 consecutive regular board meetings in any one fiscal year,
22 which absences may be grounds for removal.
23 (5) A community college president shall serve as the
24 executive officer and corporate secretary of the board of
25 trustees and shall be responsible to the board of trustees for
26 setting the agenda for meetings of the board of trustees in
27 consultation with the chair. The president also serves as the
28 chief administrative officer of the community college, and all
29 the components of the institution and all aspects of its
30 operation are responsible to the board of trustees through the
31 president.

Section 78. Section 1001.62, Florida Statutes, is created to read:

1001.62 Transfer of benefits arising under local or special acts.--All local or special acts in force on July 1, 1968, that provide benefits for a community college through a district school board shall continue in full force and effect, and such benefits shall be transmitted to the community college board of trustees.

Section 79. Section 1001.63, Florida Statutes, is created to read:

1001.63 Community college board of trustees; board of trustees to constitute a corporation.--Each community college board of trustees is constituted a body corporate by the name of "The District Board of Trustees of ...(name of community college)..., Florida" with all the powers and duties of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue or be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, the corporate secretary or designee of the chair.

Section 80. Section 1001.64, Florida Statutes, is created to read:

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

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the community college's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the

reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

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

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

(4)(a) The board of trustees, after considering recommendations submitted by the community college president, may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. These rules may supplement those prescribed by the State Board of Education if they will contribute to the more orderly and efficient operation of community colleges.

(b) Each board of trustees is specifically authorized to adopt rules, procedures, and policies, consistent with law and rules of the State Board of Education, related to its mission and responsibilities as set forth in s. 1004.65, its governance, personnel, budget and finance, administration, programs, curriculum and instruction, buildings and grounds, travel and purchasing, technology, students, contracts and grants, or college property.

(5) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of community college owned or community college controlled buildings and grounds, property and equipment, name, trademarks and other

proprietary marks, and the financial and other resources of the community college. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound.

(6) Each board of trustees has responsibility for the establishment and discontinuance of program and course offerings in accordance with law and rule; provision for instructional and noninstructional community services, location of classes, and services provided; and dissemination of information concerning such programs and services. New programs must be approved pursuant to s. 1004.03.

(7) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule; requiring no more than 60 semester hours of degree program coursework, including 36 semester hours of general education coursework, for an associate in arts degree; notifying students that earned hours in excess of 60 semester hours may not be accepted by state universities; notifying students of unique program prerequisites; and ensuring that degree program coursework beyond general education coursework is consistent with degree program prerequisite requirements adopted pursuant to s. 1007.25(5).

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

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.263 and rules of the State Board

of Education. A board of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the community college.

(b) Each board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates pursuant to s. 1004.68.

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

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

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

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

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

(9) A board of trustees may contract with the board of trustees of a state university for the community college to provide college-preparatory instruction on the state university campus.

(10) Each board of trustees shall establish fees pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27.

(11) Each board of trustees shall submit an institutional budget request, including a request for fixed capital outlay, and an operating budget to the State Board of Education for approval in accordance with guidelines established by the State Board of Education.

(12) Each board of trustees shall account for expenditures of all state, local, federal and other funds in the manner described by the Department of Education.

(13) Each board of trustees is responsible for the uses for the proceeds of academic improvement trust funds pursuant to s. 1011.85.

(14) Each board of trustees shall develop a strategic plan specifying institutional goals and objectives for the community college for recommendation to the State Board of Education.

(15) Each board of trustees shall develop an accountability plan pursuant to s. 1008.45.

(16) Each board of trustees must expend performance

funds provided for workforce development education pursuant to the provisions of s. 1011.80.

(17) Each board of trustees is accountable for performance in certificate career education and diploma programs pursuant to s. 1008.44.

(18) Each board of trustees shall establish the personnel program for all employees of the community college, including the president, pursuant to the provisions of chapter 1012 and rules and guidelines of the State Board of Education, including: compensation and other conditions of employment; recruitment and selection; nonreappointment; standards for performance and conduct; evaluation; benefits and hours of work; leave policies; recognition; inventions and work products; travel; learning opportunities; exchange programs; academic freedom and responsibility; promotion; assignment; demotion; transfer; ethical obligations and conflict of interest; restrictive covenants; disciplinary actions; complaints; appeals and grievance procedures; and separation and termination from employment.

(19) Each board of trustees shall appoint, suspend, or remove the president of the community college. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives established in the community college's employment accountability program implemented pursuant to s. 1012.86.

(20) Each board of trustees is authorized to enter into contracts to provide a State Community College System Optional Retirement Program pursuant to s. 1012.875 and to enter into consortia with other boards of trustees for this purpose.

(21) Each board of trustees is authorized to purchase annuities for its community college personnel who have 25 or more years of creditable service and who have reached age 55 and have applied for retirement under the Florida Retirement System pursuant to the provisions of s. 1012.87.

(22) A board of trustees may defray all costs of defending civil actions against officers, employees, or agents of the board of trustees pursuant to s. 1012.85.

(23) Each board of trustees has authority for risk management, safety, security, and law enforcement operations. Each board of trustees is authorized to employ personnel, including police officers pursuant to s. 1012.88, to carry out the duties imposed by this subsection.

(24) Each board of trustees shall provide rules governing parking and the direction and flow of traffic within campus boundaries. Except for sworn law enforcement personnel, persons employed to enforce campus parking rules have no authority to arrest or issue citations for moving traffic violations. The board of trustees may adopt a uniform code of appropriate penalties for violations. Such penalties, unless otherwise provided by law, may include the levying of fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal. Moneys collected from parking rule infractions shall be deposited in appropriate funds at each community college for student financial aid

purposes.

(25) Each board of trustees constitutes the contracting agent of the community college. It may when acting as a body make contracts, sue, and be sued in the name of the board of trustees. In any suit, a change in personnel of the board of trustees shall not abate the suit, which shall proceed as if such change had not taken place.

(26) Each board of trustees is authorized to contract for the purchase, sale, lease, license, or acquisition in any manner (including purchase by installment or lease-purchase contract which may provide for the payment of interest on the unpaid portion of the purchase price and for the granting of a security interest in the items purchased) of goods, materials, equipment, and services required by the community college. The board of trustees may choose to consolidate equipment contracts under master equipment financing agreements made pursuant to s. 287.064.

(27) Each board of trustees shall be responsible for managing and protecting real and personal property acquired or held in trust for use by and for the benefit of such community college. To that end, any board of trustees is authorized to be self-insured, to enter into risk management programs, or to purchase insurance for whatever coverage it may choose, or to have any combination thereof, in anticipation of any loss, damage, or destruction. A board of trustees may contract for self-insurance services pursuant to s. 1004.725.

(28) Each board of trustees is authorized to enter into agreements for, and accept, credit card, charge card, and debit card payments as compensation for goods, services, tuition, and fees. Each community college is further authorized to establish accounts in credit card, charge card,

and debit card banks for the deposit of sales invoices.

(29) Each board of trustees may provide incubator facilities to eligible small business concerns pursuant to s. 1004.79.

(30) Each board of trustees may establish a technology transfer center for the purpose of providing institutional support to local business and industry and governmental agencies in the application of new research in technology pursuant to the provisions of s. 1004.78.

(31) Each board of trustees may establish economic development centers for the purpose of serving as liaisons between community colleges and the business sector pursuant to the provisions of s. 1004.80.

(32) Each board of trustees may establish a child development training center pursuant to s. 1004.81.

(33) Each board of trustees is authorized to develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to chapter 1004.

(34) Each board of trustees shall administer the facilities program pursuant to chapter 1013, including but not limited to: the construction of public educational and ancillary plants; the acquisition and disposal of property; compliance with building and life safety codes; submission of data and information relating to facilities and construction; use of buildings and grounds; establishment of safety and sanitation programs for the protection of building occupants; and site planning and selection.

(35) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013.

(36) Each board of trustees may enter into

lease-purchase arrangements with private individuals or corporations for necessary grounds and buildings for community college purposes, other than dormitories, or for buildings other than dormitories to be erected for community college purposes. Such arrangements shall be paid from capital outlay and debt service funds as provided by s. 1011.84(2), with terms not to exceed 30 years at a stipulated rate. The provisions of such contracts, including building plans, are subject to approval by the Department of Education, and no such contract may be entered into without such approval.

(37) Each board of trustees may purchase, acquire, receive, hold, own, manage, lease, sell, dispose of, and convey title to real property, in the best interests of the community college.

(38) Each board of trustees is authorized to borrow funds and incur debt, including entering into lease-purchase agreements and the issuance of revenue bonds as specifically authorized and only for the purposes authorized in ss. 1009.22(6) and (9) and 1009.23(11) and (12). At the option of the board of trustees, bonds may be issued which are secured by a combination of revenues authorized to be pledged to bonds pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9) and 1009.23(12). Lease-purchase agreements may be secured by a combination of revenues as specifically authorized pursuant to ss. 1009.22(7) and 1009.23(10).

(39) Each board of trustees shall prescribe conditions for direct-support organizations to be certified and to use community college property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.

(40) Each board of trustees may adopt policies

pursuant to s. 1010.02 that provide procedures for transferring to the direct-support organization of that community college for administration by such organization contributions made to the community college.

(41) The board of trustees shall exert every effort to collect all delinquent accounts pursuant to s. 1010.03.

(42) Each board of trustees shall implement a plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other community college boards of trustees, representatives of the university boards of trustees, and representatives of the district school boards to achieve the goals of the seamless education system.

(43) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(44) Each board of trustees may adopt rules, procedures, and policies related to institutional governance, administration, and management in order to promote orderly and efficient operation, including, but not limited to, financial management, budget management, physical plant management, and property management.

(45) Each board of trustees may adopt rules and procedures related to data or technology, including, but not limited to, information systems, communications systems, computer hardware and software, and networks.

(46) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the community college.

Section 81. Section 1001.65, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1001.65 Community college presidents; powers and duties.--The president is the chief executive officer of the community college, shall be corporate secretary of the community college board of trustees, and is responsible for the operation and administration of the community college. Each community college president shall:

(1) Recommend the adoption of rules, as appropriate, to the community college board of trustees to implement provisions of law governing the operation and administration of the community college, which shall include the specific powers and duties enumerated in this section. Such rules shall be consistent with law, the mission of the community college and the rules and policies of the State Board of Education.

(2) Prepare a budget request and an operating budget pursuant to s. 1011.30 for approval by the community college board of trustees at such time and in such format as the State Board of Education may prescribe.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Education and in accordance with rules or policies approved by the community college board of trustees.

(4) Govern admissions, subject to law and rules or policies of the community college board of trustees and the State Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the community college board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the

community college, provided such contracts are within law and guidelines of the State Board of Education and in conformance with policies of the community college board of trustees, and are for the implementation of approved programs of the community college.

(6) Act for the community college board of trustees as custodian of all community college property and financial resources. The authority vested in the community college president under this subsection includes the authority to prioritize the use of community college space, property, equipment, and resources and the authority to impose charges for the use of those items.

(7) Establish the internal academic calendar of the community college within general guidelines of the State Board of Education.

(8) Administer the community college's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of programs within the approved role and scope of the community college.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the community college, within law and rules of the State Board of Education.

(12) Organize the community college to efficiently and effectively achieve the goals of the community college.

(13) Review periodically the operations of the community college in order to determine how effectively and efficiently the community college is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.

(14) Enter into agreements for student exchange programs that involve students at the community college and students in other institutions of higher learning.

(15) Approve the internal procedures of student government organizations and provide purchasing, contracting, and budgetary review processes for these organizations.

(16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the community college.

(17) Maintain all data and information pertaining to the operation of the community college, and report on the attainment by the community college of institutional and statewide performance accountability goals.

(18) Certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds pursuant to the provisions of chapter 1013.

(19) Provide to the law enforcement agency and fire department that has jurisdiction over the community college a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01(6). After the initial submission of the floor plans and other relevant documents, the community college president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.

(20) Establish a committee to consider requests for waivers from the provisions of s. 1008.29 and approve or disapprove the committee's recommendations.

(21) Develop and implement jointly with school superintendents a comprehensive articulated acceleration program, including a comprehensive interinstitutional

articulation agreement, for the students enrolled in their respective school districts and service areas pursuant to the provisions of s. 1007.235.

(22) Have authority, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated any law, ordinance, or rule or regulation of the State Board of Education or of the board of trustees of the community college pursuant to the provisions of s. 1006.62.

(23) Submit an annual employment accountability plan to the Department of Education pursuant to the provisions of s. 1012.86.

(24) Annually evaluate, or have a designee annually evaluate, each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives of the community college's employment accountability plan.

(25) Have vested with the president or the president's designee the authority that is vested with the community college.

Section 82. Part IV of chapter 1001, Florida Statutes, shall be entitled "State Universities" and shall consist of ss. 1001.71-1001.75.

Section 83. Section 1001.71, Florida Statutes, is created to read:

1001.71 University boards of trustees; membership.--

(1) University boards of trustees shall be comprised of 12 members appointed by the Governor and confirmed by the Senate in the regular legislative session immediately following his or her appointment. In addition, the student body president elected on the main campus of the university

shall serve ex officio as a voting member of his or her university board of trustees. There shall be no state residency requirement for university board members, but the Governor shall consider diversity and regional representation.

(2) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061.

(3) The Governor may remove a trustee upon the recommendation of the State Board of Education, or for cause.

(4) Boards of trustees' members shall be appointed for staggered 4-year terms, and may be reappointed for additional terms not to exceed 8 years of service.

(5) Each board of trustees shall select its chair and vice chair from the appointed members at its first regular meeting after July 1. The chair shall serve for 2 years and may be reselected for one additional consecutive term. The duties of the chair shall include presiding at all meetings of the board of trustees, calling special meetings of the board of trustees, attesting to actions of the board of trustees, and notifying the Governor in writing whenever a board member fails to attend three consecutive regular board meetings in any fiscal year, which failure may be grounds for removal. The duty of the vice chair is to act as chair during the absence or disability of the chair.

(6) The university president shall serve as executive officer and corporate secretary of the board of trustees and shall be responsible to the board of trustees for all operations of the university and for setting the agenda for meetings of the board of trustees in consultation with the chair.

Section 84. Section 1001.72, Florida Statutes, is

created to read:

1001.72 University boards of trustees; boards to constitute a corporation.--

(1) Each board of trustees shall be a public body corporate by the name of "The (name of university) Board of Trustees," with all the powers of a body corporate, including the power to adopt a corporate seal, to contract and be contracted with, to sue and be sued, to plead and be impleaded in all courts of law or equity, and to give and receive donations. In all suits against a board of trustees, service of process shall be made on the chair of the board of trustees or, in the absence of the chair, on the corporate secretary or designee.

(2) It is the intent of the Legislature that the university boards of trustees are not departments of the executive branch of state government within the scope and meaning of s. 6, Art. IV of the State Constitution.

(3) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this section is considered to be the performance of an essential public function. The corporation shall constitute an agency for the purposes of s. 120.52. The corporation is subject to chapter 119, subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation shall be entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail or facsimile rather than by means of publication. The corporation is not governed by chapter 607, but by the provisions of this part. The corporation shall maintain coverage under the State Risk Management Trust Fund as provided in chapter 284.

(4) No bureau, department, division, agency, or subdivision of the state shall exercise any responsibility and authority to operate any state university except as specifically provided by law or rules of the State Board of Education. This section shall not prohibit any department, bureau, division, agency, or subdivision of the state from providing access to programs or systems or providing other assistance to a state university pursuant to an agreement between the board of trustees and such department, bureau, division, agency, or subdivision of the state.

(5) University boards of trustees shall be corporations primarily acting as instrumentalities or agencies of the state, pursuant to s. 768.28(2), for purposes of sovereign immunity.

Section 85. Section 1001.73, Florida Statutes, is created to read:

1001.73 University board empowered to act as trustee.--

(1) Whenever appointed by any competent court of the state, or by any statute, or in any will, deed, or other instrument, or in any manner whatever as trustee of any funds or real or personal property in which any of the institutions or agencies under its management, control, or supervision, or their departments or branches or students, faculty members, officers, or employees, may be interested as beneficiaries, or otherwise, or for any educational purpose, a university board of trustees is hereby authorized to act as trustee with full legal capacity as trustee to administer such trust property, and the title thereto shall vest in said board as trustee. In all such cases, the university board of trustees shall have the power and capacity to do and perform all things as fully

as any individual trustee or other competent trustee might do or perform, and with the same rights, privileges, and duties, including the power, capacity, and authority to convey, transfer, mortgage, or pledge such property held in trust and to contract and execute all other documents relating to said trust property which may be required for, or appropriate to, the administration of such trust or to accomplish the purposes of any such trust.

(2) Deeds, mortgages, leases, and other contracts of the university board of trustees relating to real property of any such trust or any interest therein may be executed by the university board of trustees, as trustee, in the same manner as is provided by the laws of the state for the execution of similar documents by other corporations or may be executed by the signatures of a majority of the members of the board of trustees; however, to be effective, any such deed, mortgage, or lease contract for more than 10 years of any trust property, executed hereafter by the university board of trustees, shall be approved by a resolution of the State Board of Education; and such approving resolution may be evidenced by the signature of either the chair or the secretary of the State Board of Education to an endorsement on the instrument approved, reciting the date of such approval, and bearing the seal of the State Board of Education. Such signed and sealed endorsement shall be a part of the instrument and entitled to record without further proof.

(3) Any and all such appointments of, and acts by, the Board of Regents as trustee of any estate, fund, or property prior to May 18, 1949, are hereby validated, and said board's capacity and authority to act as trustee subject to the provisions of s. 1000.01(5)(a) in all of such cases is

ratified and confirmed; and all deeds, conveyances, lease contracts, and other contracts heretofore executed by the Board of Regents, either by the signatures of a majority of the members of the board or in the board's name by its chair or chief executive officer, are hereby approved, ratified, confirmed, and validated.

(4) Nothing herein shall be construed to authorize a university board of trustees to contract a debt on behalf of, or in any way to obligate, the state; and the satisfaction of any debt or obligation incurred by the university board as trustee under the provisions of this section shall be exclusively from the trust property, mortgaged or encumbered; and nothing herein shall in any manner affect or relate to the provisions of ss. 1010.61-1010.619, or s. 1013.78.

Section 86. Section 1001.74, Florida Statutes, is created to read:

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

(1) The boards of trustees shall be responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.

(2) Each board of trustees is vested with the authority to govern its university, as necessary to provide proper governance and improvement of the university in accordance with law and with rules of the State Board of Education. Each board of trustees shall perform all duties assigned by law or by rule of the State Board of Education or

the Commissioner of Education.

(3) A board of trustees shall have the power to take action without a recommendation from the president and shall have the power to require the president to deliver to the board of trustees all data and information required by the board of trustees in the performance of its duties.

(4) Each board of trustees may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of law conferring duties upon it. Such rules must be consistent with rules of the State Board of Education.

(5) Each board of trustees shall have the authority to acquire real and personal property and contract for the sale and disposal of same and approve and execute contracts for the purchase, sale, lease, license, or acquisition of commodities, goods, equipment, contractual services, leases of real and personal property, and construction. The acquisition may include purchase by installment or lease-purchase. Such contracts may provide for payment of interest on the unpaid portion of the purchase price. Title to all real property acquired prior to January 7, 2003, and to all real property acquired with funds appropriated by the Legislature shall be vested in the Board of Trustees of the Internal Improvement Trust Fund and shall be transferred and conveyed by it. Notwithstanding any other provisions of this subsection, each board of trustees shall comply with the provisions of s. 287.055 for the procurement of professional services as defined therein.

(6) Each board of trustees shall have responsibility for the use, maintenance, protection, and control of university-owned or university-controlled buildings and grounds, property and equipment, name, trademarks and other

proprietary marks, and the financial and other resources of the university. Such authority may include placing restrictions on activities and on access to facilities, firearms, food, tobacco, alcoholic beverages, distribution of printed materials, commercial solicitation, animals, and sound. The authority vested in the board of trustees in this subsection includes the prioritization of the use of space, property, equipment, and resources and the imposition of charges for those items.

(7) Each board of trustees has responsibility for the establishment and discontinuance of degree programs up to and including the master's degree level; the establishment and discontinuance of course offerings; provision of credit and noncredit educational offerings; location of classes; services provided; and dissemination of information concerning such programs and services. Approval of new programs must be pursuant to criteria established by the State Board of Education.

(8) Each board of trustees is authorized to create divisions of sponsored research pursuant to the provisions of s. 1011.411 to serve the function of administration and promotion of the programs of research.

(9) Each board of trustees has responsibility for: ensuring that students have access to general education courses as identified in rule and requiring no more than 120 semester hours of coursework for baccalaureate degree programs unless approved by the State Board of Education. At least half of the required coursework for any baccalaureate degree must be offered at the lower-division level, except in program areas approved by the State Board of Education.

(10) Each board of trustees has responsibility for

policies related to students, enrollment of students, student activities and organizations, financial assistance, and other student services.

(a) Each board of trustees shall govern admission of students pursuant to s. 1007.261 and rules of the State Board of Education. Each board of trustees may consider the past actions of any person applying for admission or enrollment and may deny admission or enrollment to an applicant because of misconduct if determined to be in the best interest of the university.

(b) Each board of trustees shall establish student performance standards for the award of degrees and certificates.

(c) Each board of trustees must identify its core curricula and work with school districts to ensure that its curricula coordinate with the core curricula and prepare students for college-level work.

(d) Each board of trustees must adopt a written antihazing policy, appropriate penalties for violations of such policy, and a program for enforcing such policy.

(e) Each board of trustees may establish a uniform code of conduct and appropriate penalties for violations of its rules by students and student organizations, including rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include fines, the withholding of diplomas or transcripts pending compliance with rules or payment of fines, and the imposition of probation, suspension, or dismissal.

(f) Each board of trustees shall establish a committee, at least one-half of the members of which shall be students appointed by the student body president, to

1 periodically review and evaluate the student judicial system.
2 (g) Each board of trustees must adopt a policy
3 pursuant to s. 1006.53 that reasonably accommodates the
4 religious observance, practice, and belief of individual
5 students in regard to admissions, class attendance, and the
6 scheduling of examinations and work assignments.
7 (h) A board of trustees may establish
8 intrainstitutional and interinstitutional programs to maximize
9 articulation pursuant to s. 1007.22.
10 (i) Each board of trustees shall approve the internal
11 procedures of student government organizations.
12 (11) Each board of trustees shall establish fees
13 pursuant to ss. 1009.24 and 1009.26.
14 (12) Each board of trustees shall submit an
15 institutional budget request, including a request for fixed
16 capital outlay, and an operating budget to the State Board of
17 Education for approval in accordance with guidelines
18 established by the State Board of Education.
19 (13) Each board of trustees shall account for
20 expenditures of all state, local, federal, and other funds in
21 the manner described by the Department of Education.
22 (14) Each board of trustees shall develop a strategic
23 plan specifying institutional goals and objectives for the
24 university for recommendation to the State Board of Education.
25 (15) Each board of trustees shall develop an
26 accountability plan pursuant to guidelines established by the
27 State Board of Education.
28 (16) Each board of trustees shall maintain an
29 effective information system to provide accurate, timely, and
30 cost-effective information about the university.
31 (17) Each board of trustees is authorized to secure

comprehensive general liability insurance pursuant to s. 1004.24.

(18) Each board of trustees may provide for payment of the costs of civil actions against officers, employees, or agents of the board pursuant to s. 1012.965.

(19) Each board of trustees shall establish the personnel program for all employees of the university, including the president, pursuant to the provisions of chapter 1012 and, in accordance with rules and guidelines of the State Board of Education, including: compensation and other conditions of employment, recruitment and selection, nonreappointment, standards for performance and conduct, evaluation, benefits and hours of work, leave policies, recognition and awards, inventions and works, travel, learning opportunities, exchange programs, academic freedom and responsibility, promotion, assignment, demotion, transfer, tenure and permanent status, ethical obligations and conflicts of interest, restrictive covenants, disciplinary actions, complaints, appeals and grievance procedures, and separation and termination from employment. The Department of Management Services shall retain authority over state university employees for programs established in ss. 110.123, 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and 238.

(20) Each board of trustees may consider the past actions of any person applying for employment and may deny employment to a person because of misconduct if determined to be in the best interest of the university.

(21) Each board of trustees shall appoint a presidential search committee to make recommendations to the full board of trustees, from which the board of trustees may select a candidate for ratification by the State Board of

Education.

(22) Each board of trustees shall conduct an annual evaluation of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.46 and the performance of the president in achieving the annual and long-term goals and objectives established in the institution's employment equity accountability program implemented pursuant to s. 1012.95.

(23) Each board of trustees constitutes the contracting agent of the university.

(24) Each board of trustees may enter into agreements for, and accept, credit card payments as compensation for goods, services, tuition, and fees.

(25) Each board of trustees may establish educational research centers for child development pursuant to s. 1011.48.

(26) Each board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes pursuant to s. 1004.23.

(27) Each board of trustees shall submit to the State Board of Education, for approval, all new campuses and instructional centers.

(28) Each board of trustees shall administer a program for the maintenance and construction of facilities pursuant to chapter 1013.

(29) Each board of trustees shall ensure compliance with the provisions of s. 287.09451 for all procurement and ss. 255.101 and 255.102 for construction contracts, and rules

adopted pursuant thereto, relating to the utilization of minority business enterprises, except that procurements costing less than the amount provided for in CATEGORY FIVE as provided in s. 287.017 shall not be subject to s. 287.09451.

(30) Each board of trustees may exercise the right of eminent domain pursuant to the provisions of chapter 1013. Any suits or actions brought by the board of trustees shall be brought in the name of the board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the board of trustees.

(31) Notwithstanding the provisions of s. 253.025, each board of trustees may, with the consent of the Board of Trustees of the Internal Improvement Trust Fund, sell, convey, transfer, exchange, trade, or purchase real property and related improvements necessary and desirable to serve the needs and purposes of the university.

(a) The board of trustees may secure appraisals and surveys. The board of trustees shall comply with the rules of the Board of Trustees of the Internal Improvement Trust Fund in securing appraisals. Whenever the board of trustees finds it necessary for timely property acquisition, it may contract, without the need for competitive selection, with one or more appraisers whose names are contained on the list of approved appraisers maintained by the Division of State Lands in the Department of Environmental Protection.

(b) The board of trustees may negotiate and enter into an option contract before an appraisal is obtained. The option contract must state that the final purchase price may not exceed the maximum value allowed by law. The consideration for such an option contract may not exceed 10 percent of the estimate obtained by the board of trustees or 10 percent of

the value of the parcel, whichever is greater, unless otherwise authorized by the board of trustees.

(c) This subsection is not intended to abrogate in any manner the authority delegated to the Board of Trustees of the Internal Improvement Trust Fund or the Division of State Lands to approve a contract for purchase of state lands or to require policies and procedures to obtain clear legal title to parcels purchased for state purposes. Title to property acquired by a university board of trustees prior to January 7, 2003, and to property acquired with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund.

(32) Each board of trustees shall prepare and adopt a campus master plan pursuant to s. 1013.30.

(33) Each board of trustees shall prepare, adopt, and execute a campus development agreement pursuant to s. 1013.30.

(34) Each board of trustees has responsibility for compliance with state and federal laws, rules, regulations, and requirements.

(35) Each board of trustees may govern traffic on the grounds of that campus pursuant to s. 1006.66.

(36) A board of trustees has responsibility for supervising faculty practice plans for the academic health science centers.

(37) Each board of trustees shall prescribe conditions for direct-support organizations and university health services support organizations to be certified and to use university property and services. Conditions relating to certification must provide for audit review and oversight by the board of trustees.

(38) Each board of trustees shall actively implement a

plan, in accordance with guidelines of the State Board of Education, for working on a regular basis with the other university boards of trustees, representatives of the community college boards of trustees, and representatives of the district school boards, to achieve the goals of the seamless education system.

(39) Notwithstanding the provisions of s. 216.351, a board of trustees may authorize the rent or lease of parking facilities, provided that such facilities are funded through parking fees or parking fines imposed by a university. A board of trustees may authorize a university to charge fees for parking at such rented or leased parking facilities.

(40) Each board of trustees may adopt rules and procedures related to data and technology, including information systems, communications systems, computer hardware and software, and networks.

(41) A board of trustees shall perform such other duties as are provided by law or rule of the State Board of Education.

Section 87. Section 1001.75, Florida Statutes, is created to read:

1001.75 University presidents; powers and duties.--The president is the chief executive officer of the state university, shall be corporate secretary of the university board of trustees, and is responsible for the operation and administration of the university. Each state university president shall:

(1) Recommend the adoption of rules, as appropriate, to the university board of trustees to implement provisions of law governing the operation and administration of the university, which shall include the specific powers and duties

enumerated in this section. Such rules shall be consistent with the mission of the university and the rules and policies of the State Board of Education.

(2) Prepare a budget request and an operating budget for approval by the university board of trustees.

(3) Establish and implement policies and procedures to recruit, appoint, transfer, promote, compensate, evaluate, reward, demote, discipline, and remove personnel, within law and rules of the State Board of Education and in accordance with rules or policies approved by the university board of trustees.

(4) Govern admissions, subject to law and rules or policies of the university board of trustees and the State Board of Education.

(5) Approve, execute, and administer contracts for and on behalf of the university board of trustees for licenses; the acquisition or provision of commodities, goods, equipment, and services; leases of real and personal property; and planning and construction to be rendered to or by the university, provided such contracts are within law and rules of the State Board of Education and in conformance with policies of the university board of trustees, and are for the implementation of approved programs of the university. University presidents shall comply with the provisions of s. 287.055 for the procurement of professional services and may approve and execute all contracts on behalf of the board of trustees for planning, construction, and equipment. For the purposes of a university president's contracting authority, a "continuing contract" for professional services under the provisions of s. 287.055 is one in which construction costs do not exceed $1 million or the fee for study activity does not

exceed $100,000.

(6) Act for the university board of trustees as custodian of all university property.

(7) Establish the internal academic calendar of the university within general guidelines of the State Board of Education.

(8) Administer the university's program of intercollegiate athletics.

(9) Recommend to the board of trustees the establishment and termination of undergraduate and master's-level degree programs within the approved role and scope of the university.

(10) Award degrees.

(11) Recommend to the board of trustees a schedule of tuition and fees to be charged by the university, within law and rules of the State Board of Education.

(12) Organize the university to efficiently and effectively achieve the goals of the university.

(13) Review periodically the operations of the university in order to determine how effectively and efficiently the university is being administered and whether it is meeting the goals of its strategic plan adopted by the State Board of Education.

(14) Enter into agreements for student exchange programs that involve students at the university and students in other postsecondary educational institutions.

(15) Provide purchasing, contracting, and budgetary review processes for student government organizations.

(16) Ensure compliance with federal and state laws, rules, regulations, and other requirements that are applicable to the university.

(17) Maintain all data and information pertaining to the operation of the university, and report on the attainment by the university of institutional and statewide performance accountability goals.

(18) Adjust property records and dispose of state-owned tangible personal property in the university's custody in accordance with procedures established by the university board of trustees. Notwithstanding the provisions of s. 273.055(5), all moneys received from the disposition of state-owned tangible personal property shall be retained by the university and disbursed for the acquisition of tangible personal property and for all necessary operating expenditures. The university shall maintain records of the accounts into which such moneys are deposited.

(19) Have vested with the president or the president's designee the powers, duties, and authority that is vested with the university.

Section 88. Chapter 1002, Florida Statutes, shall be entitled "Student and Parental Rights and Educational Choices" and shall consist of ss. 1002.01-1002.44.

Section 89. Part I of chapter 1002, Florida Statutes, shall be entitled "General Provisions" and shall consist of s. 1002.01.

Section 90. Section 1002.01, Florida Statutes, is created to read:

1002.01 Definitions.--

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(4), and 1003.21(1).

(2) A "private school" is a nonpublic school defined

as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(14) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career and technical training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

Section 91. Part II of chapter 1002, Florida Statutes, shall be entitled "Student and Parental Rights" and shall consist of ss. 1002.20-1002.22.

Section 92. Section 1002.20, Florida Statutes, is created to read:

1002.20 K-12 student and parent rights.--K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(1) SYSTEM OF EDUCATION.--In accordance with s. 1, Art. IX of the State Constitution, all K-12 public school students are entitled to a uniform, safe, secure, efficient, and high quality system of education, one that allows students the opportunity to obtain a high quality education. Parents are responsible to ready their children for school; however,

the State of Florida cannot be the guarantor of each individual student's success.

(2) ATTENDANCE.--

(a) Compulsory school attendance.--The compulsory school attendance laws apply to all children between the ages of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a), and, in accordance with the provisions of s. 1003.21(1) and (2)(a):

1. A student who attains the age of 16 years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the school district of the district's receipt of the student's declaration of intent to terminate school enrollment.

2. Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students.

(b) Regular school attendance.--Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program, in accordance with the provisions of s. 1003.01(14).

(c) Absence for religious purposes.--A parent of a public school student may request and be granted permission for absence of the student from school for religious

instruction or religious holidays, in accordance with the provisions of s. 1003.21(2)(b).

(d) Dropout prevention and academic intervention programs.--The parent of a public school student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program and shall be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement, in accordance with the provisions of s. 1003.53(5).

(3) HEALTH ISSUES.--

(a) School-entry health examinations.--The parent of any child attending a public or private school shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds in accordance with the provisions of s. 1003.22(1) and (2).

(b) Immunizations.--The parent of any child attending a public or private school shall be exempt from the school immunization requirements upon meeting any of the exemptions in accordance with the provisions of s. 1003.22(5).

(c) Biological experiments.--Parents may request that their child be excused from performing surgery or dissection in biological science classes in accordance with the provisions of s. 1003.47.

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

(e) Contraceptive services to public school students.--In accordance with the provisions of s.

1006.062(7), students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

(f) Career and technical education courses involving hazardous substances.--High school students must be given plano safety glasses or devices in career and technical education courses involving the use of hazardous substances likely to cause eye injury, in accordance with the provisions of s. 1006.65.

(g) Substance abuse reports.--The parent of a public school student must be timely notified of any verified report of a substance abuse violation by the student, in accordance with the provisions of s. 1006.09(8).

(h) Inhaler use.--Asthmatic students whose parent and physician provide their approval to the school principal may carry a metered dose inhaler on their person while in school. The school principal shall be provided a copy of the parent's and physician's approval.

(4) DISCIPLINE.--

(a) Suspension of public school student.--In accordance with the provisions of s. 1006.09(1)-(4):

1. A student may be suspended only as provided by rule of the district school board. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within 24 hours to the parent by U.S. mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension.

2. A student with a disability may only be recommended for suspension or expulsion in accordance with State Board of

Education rules.

(b) Expulsion.--Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process, in accordance with the provisions of s. 1001.51(8).

(c) Corporal punishment.--In accordance with the provisions of s. 1003.32, corporal punishment of a public school student may only be administered by a teacher or school principal within guidelines of the school principal and according to district school board policy. Another adult must be present and must be informed in the student's presence of the reason for the punishment. Upon request, the teacher or school principal must provide the parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(5) SAFETY.--In accordance with the provisions of s. 1006.13(5), students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender both at school and during school transportation.

(6) EDUCATIONAL CHOICE.--

(a) Public school choices.--Parents of public school students may seek whatever public school choice options that are applicable to their students and are available to students in their school districts. These options may include controlled open enrollment, lab schools, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, advanced placement, dual enrollment, International Baccalaureate, early admissions,

credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public school choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

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

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

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

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

(c) Home education.--The parent of a student may choose to place the student in a home education program in accordance with the provisions of s. 1002.41.

(d) Private tutoring.--The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).

(7) NONDISCRIMINATION.--All education programs, activities, and opportunities offered by public educational institutions must be made available without discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status, in accordance with the provisions of s. 1000.05.

(8) STUDENTS WITH DISABILITIES.--Parents of public school students with disabilities and parents of public school students in residential care facilities are entitled to notice and due process in accordance with the provisions of ss. 1003.57 and 1003.58. Public school students with disabilities must be provided the opportunity to meet the graduation requirements for a standard high school diploma in accordance with the provisions of s. 1003.43(4). Certain public school students with disabilities may be awarded a special diploma upon high school graduation.

(9) BLIND STUDENTS.--Blind students have the right to an individualized written education program and appropriate instructional materials to attain literacy, in accordance with provisions of s. 1003.55.

(10) LIMITED ENGLISH PROFICIENT STUDENTS.--In accordance with the provisions of s. 1003.56, limited English proficient students have the right to receive ESOL (English for Speakers of Other Languages) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible, and the students' parents have the right of parental involvement in the ESOL program.

(11) BASIC RELIGIOUS FREEDOMS.--In accordance with the joint statement of current case law by the American Jewish Congress, the ACLU, the Anti-Defamation League, and others:

Amendment No. ___ (for drafter's use only)

(a) Right to pray.--Students have the right to pray individually or in groups or to discuss their religious views with their peers so long as they are not disruptive. Students have the right to read Bibles, other scriptures, or other religious materials, say grace before meals, pray before tests, and discuss religion with other willing student listeners. In the classroom, students have the right to pray in a manner that does not distract other students except when required to be actively engaged in school activities such as participating in class discussion or responding to teachers' questions. In settings such as the cafeteria or the halls, students may pray quietly or silently, subject to the same rules of order as apply to other speech in these locations. The right to engage in voluntary prayer does not include the right to have a captive audience of other students listen to prayers or listen to proselytizing information, nor does it include the right to compel other students to participate in any religion related discussions or activities.

(b) Right to express.--Students may express their religious beliefs in the form of reports, homework, and artwork, and such expressions are constitutionally protected. Teachers may not reject or correct such submissions simply because they include a religious symbol or address religious themes.

(c) Right to distribute.--Students have the right to distribute religious literature to their schoolmates, subject to those reasonable time, place, and manner or other constitutionally acceptable restrictions imposed on the distribution of all nonschool literature.

(d) Right to participate.--Student participation in before-school or after-school events, such as "See you at the

pole," is permissible.

(e) Right to speak.--Students have the right to speak to, and attempt to persuade, their peers about religious topics just as they do with regard to political topics, subject to those reasonable time, place, and manner or other constitutionally acceptable restrictions imposed on other speech within the school. The right to speak does not include the right to have a captive audience of other students listen to prayers or listen to proselytizing information, nor does it include the right to compel other students to participate in any religion related discussions or activities.

(f) Right to meet.--Student religious clubs in secondary schools must be permitted to meet and to have equal access to campus media to announce their meetings if a school receives federal funds and permits any student noncurricular club to meet during noninstructional time.

(12) PLEDGE OF ALLEGIANCE.--A public school student must be excused from reciting the pledge of allegiance upon written request by the student's parent, in accordance with the provisions of s. 1003.44.

(13) STUDENT RECORDS.--

(a) Parent rights.--Parents have rights regarding the student records of their children, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of s. 1002.22.

(b) Student rights.--In accordance with the provisions of s. 1008.386, a student is not required to provide his or her social security number as a condition for enrollment or graduation.

(14) STUDENT REPORT CARDS.--Students and their parents

have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance, in accordance with the provisions of s. 1003.33.

(15) STUDENT PROGRESS REPORTS.--Parents of public school students shall be apprised at regular intervals of the academic progress and other needed information regarding their child, in accordance with the provisions of s. 1003.02(1)(h)2.

(16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT RATING REPORTS.--Parents of public school students are entitled to an easy-to-read report card about the grade designation, school accountability including the school financial report, and school improvement rating of their child's school in accordance with the provisions of ss. 1008.22, 1003.02(3), and 1010.215(5).

(17) ATHLETICS; PUBLIC HIGH SCHOOL.--

(a) Eligibility.--Eligibility requirements for all students participating in high school athletic competition must allow a student to be eligible in the school in which he or she first enrolls each school year, or makes himself or herself a candidate for an athletic team by engaging in practice before enrolling, in accordance with the provisions of s. 1006.20(2)(a).

(b) Medical evaluation.--Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with the provisions of s. 1006.20(2)(d).

(18) EXTRACURRICULAR ACTIVITIES.--In accordance with the provisions of s. 1006.15:

(a) Eligibility.--Students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities.

(b) Home education students.--Home education students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies, or may develop an agreement to participate at a private school.

(c) Charter school students.--Charter school students who meet specified academic and conduct requirements are eligible to participate in extracurricular activities at the public school to which the student would be assigned or could choose to attend according to district school board policies, unless such activity is provided by the student's charter school.

(d) Discrimination prohibited.--Organizations that regulate or govern extracurricular activities of public schools shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(19) INSTRUCTIONAL MATERIALS.--

(a) Core courses.--Each public school student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature, in accordance with the provisions of ss. 1003.02(1)(d) and 1006.40(2).

(b) Curricular objectives.--The parent of each public school student has the right to receive effective communication from the school principal as to the manner in

which instructional materials are used to implement the school's curricular objectives, in accordance with the provisions of s. 1006.28(3)(a).

(c) Sale of instructional materials.--Upon request of the parent of a public school student, the school principal must sell to the parent any instructional materials used in the school, in accordance with the provisions of s. 1006.28(3)(c).

(d) Dual enrollment students.--Instructional materials purchased by a district school board or community college board of trustees on behalf of public school dual enrollment students shall be made available to the dual enrollment students free of charge, in accordance with the provisions of s. 1007.271(14) and (15).

(20) JUVENILE JUSTICE PROGRAMS.--Students who are in juvenile justice programs have the right to receive educational programs and services in accordance with the provisions of s. 1003.52.

(21) PARENTAL INPUT AND MEETINGS.--

(a) Meetings with school district personnel.--Parents of public school students may be accompanied by another adult of their choice at any meeting with school district personnel.

(b) School district best financial management practice reviews.--Public school students and their parents may provide input regarding their concerns about the operations and management of the school district both during and after the conduct of a school district best financial management practices review, in accordance with the provisions of s. 1008.35.

(c) District school board educational facilities programs.--Parents of public school students and other members

of the public have the right to receive proper public notice and opportunity for public comment regarding the district school board's educational facilities work program, in accordance with the provisions of s. 1013.35.

(22) TRANSPORTATION.--

(a) Transportation to school.--Public school students shall be provided transportation to school, in accordance with the provisions of s. 1006.21(3)(a).

(b) Hazardous walking conditions.--K-6 public school students shall be provided transportation if they are subjected to hazardous walking conditions, in accordance with the provisions of ss. 1006.21(3)(b) and 1006.23.

(c) Parental consent.--Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function, in accordance with the provisions of s. 1006.22(2)(b).

Section 93. Section 1002.21, Florida Statutes, is created to read:

1002.21 Postsecondary student and parent rights.--

(1) STUDENT RECORDS.--Parents have rights regarding the student records of their children, and students 18 years of age and older have rights regarding their student records, including right of access, right of waiver of access, right to challenge and hearing, and right of privacy, in accordance with the provisions of ss. 1002.22, 1005.36, and 1006.52.

(2) LEARNING DISABLED STUDENTS.--Impaired and learning disabled students may be eligible for reasonable substitution for admission, graduation, and upper-level division requirements of public postsecondary educational institutions, in accordance with the provisions of s. 1007.264.

(3) EXPULSION, SUSPENSION, DISCIPLINE.--Public postsecondary education students may be expelled, suspended, or otherwise disciplined by the president of a public postsecondary educational institution after notice to the student of the charges and a hearing on the charges, in accordance with the provisions of s. 1006.62.

(4) RELIGIOUS BELIEFS.--Public postsecondary educational institutions must provide reasonable accommodations for the religious practices and beliefs of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments, in accordance with the provisions of s. 1006.53, and must provide and describe in the student handbook a grievance procedure for students to seek redress when they feel they have been unreasonably denied an educational benefit due to their religious beliefs or practices.

(5) STUDENT HANDBOOKS.--Each state university and community college shall provide its students with an up-to-date student handbook that includes student rights and responsibilities, appeals processes available to students, contact persons available to help students, student conduct code, and information regarding HIV and AIDS, in accordance with the provisions of s. 1006.50.

(6) STUDENT OMBUDSMAN OFFICE.--Each state university and community college shall maintain a student ombudsman office and established procedures for students to appeal to the office regarding decisions about the student's access to courses and credit granted toward the student's degree, in accordance with the provisions of s. 1006.51.

Section 94. Section 1002.22, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1002.22 Student records and reports; rights of parents and students; notification; penalty.--

(1) PURPOSE.--The purpose of this section is to protect the rights of students and their parents with respect to student records and reports as created, maintained, and used by public educational institutions in the state. The intent of the Legislature is that students and their parents shall have rights of access, rights of challenge, and rights of privacy with respect to such records and reports, and that rules shall be available for the exercise of these rights.

(2) DEFINITIONS.--As used in this section:

(a) "Chief executive officer" means that person, whether elected or appointed, who is responsible for the management and administration of any public educational body or unit, or the chief executive officer's designee for student records; that is, the district school superintendent, the director of an area technical center, the president of a public postsecondary educational institution, or their designees.

(b) "Directory information" includes the student's name, address, telephone number if it is a listed number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(c) "Records" and "reports" mean official records, files, and data directly related to students that are created, maintained, and used by public educational institutions, including all material that is incorporated into each student's cumulative record folder and intended for school use

or to be available to parties outside the school or school system for legitimate educational or research purposes. Materials that shall be considered as part of a student's record include, but are not necessarily limited to: identifying data, including a student's social security number; academic work completed; level of achievement records, including grades and standardized achievement test scores; attendance data; scores on standardized intelligence, aptitude, and psychological tests; interest inventory results; health data; family background information; teacher or counselor ratings and observations; verified reports of serious or recurrent behavior patterns; and any other evidence, knowledge, or information recorded in any medium, including, but not limited to, handwriting, typewriting, print, magnetic tapes, film, microfilm, and microfiche, and maintained and used by an educational agency or institution or by a person acting for such agency or institution. However, the terms "records" and "reports" do not include:

1. Records of instructional, supervisory, and administrative personnel, and educational personnel ancillary to those persons, that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a substitute for any of such persons. An example of records of this type is instructor's grade books.

2. Records of law enforcement units of the institution that are maintained solely for law enforcement purposes and that are not available to persons other than officials of the institution or law enforcement officials of the same jurisdiction in the exercise of that jurisdiction.

3. Records made and maintained by the institution in the normal course of business that relate exclusively to a

1 student in his or her capacity as an employee and that are not
2 available for use for any other purpose.
3 4. Records created or maintained by a physician,
4 psychiatrist, psychologist, or other recognized professional
5 or paraprofessional acting in his or her professional or
6 paraprofessional capacity, or assisting in that capacity, that
7 are created, maintained, or used only in connection with the
8 provision of treatment to the student and that are not
9 available to anyone other than persons providing such
10 treatment. However, such records shall be open to a physician
11 or other appropriate professional of the student's choice.
12 5. Directory information as defined in this section.
13 6. Other information, files, or data that do not
14 permit the personal identification of a student.
15 7. Letters or statements of recommendation or
16 evaluation that were confidential under Florida law and that
17 were received and made a part of the student's educational
18 records prior to July 1, 1977.
19 8. Copies of the student's fingerprints. No public
20 educational institution shall maintain any report or record
21 relative to a student that includes a copy of the student's
22 fingerprints.
23 (d) "Student" means any child or adult who is enrolled
24 or who has been enrolled in any instructional program or
25 activity conducted under the authority and direction of an
26 institution comprising a part of the state system of public
27 education and with respect to whom an educational institution
28 maintains educational records and reports or personally
29 identifiable information, but does not include a person who
30 has not been in attendance as an enrollee at such institution.
31 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any

student who attends or has attended any public school, area technical center, or public postsecondary educational institution shall have the following rights with respect to any records or reports created, maintained, and used by any public educational institution in the state. However, whenever a student has attained 18 years of age, or is attending a postsecondary educational institution, the permission or consent required of, and the rights accorded to, the parents of the student shall thereafter be required of and accorded to the student only, unless the student is a dependent student of such parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of 1954). The State Board of Education shall adopt rules whereby parents or students may exercise these rights:

(a) Right of access.--

1. Such parent or student shall have the right, upon request directed to the appropriate school official, to be provided with a list of the types of records and reports, directly related to students, as maintained by the institution that the student attends or has attended.

2. Such parent or student shall have the right, upon request, to be shown any record or report relating to such student maintained by any public educational institution. When the record or report includes information on more than one student, the parent or student shall be entitled to receive, or be informed of, only that part of the record or report that pertains to the student who is the subject of the request. Upon a reasonable request therefor, the institution shall furnish such parent or student with an explanation or interpretation of any such record or report.

3. Copies of any list, record, or report requested

under the provisions of this paragraph shall be furnished to the parent or student upon request.

4. The State Board of Education shall adopt rules to be followed by all public educational institutions in granting requests for lists, or for access to reports and records or for copies or explanations thereof under this paragraph. However, access to any report or record requested under the provisions of subparagraph 2. shall be granted within 30 days after receipt of such request by the institution. Fees may be charged for furnishing any copies of reports or records requested under subparagraph 3., but such fees shall not exceed the actual cost to the institution of producing such copies.

(b) Right of waiver of access to confidential letters or statements.--A parent or student shall have the right to waive the right of access to letters or statements of recommendation or evaluation, except that such waiver shall apply to recommendations or evaluations only if:

1. The parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements.

2. Such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state.

(c) Right to challenge and hearing.--A parent or student shall have the right to challenge the content of any record or report to which such person is granted access under

paragraph (a), in order to ensure that the record or report is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student and to provide an opportunity for the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained therein. Any challenge arising under the provisions of this paragraph may be settled through informal meetings or discussions between the parent or student and appropriate officials of the educational institution. If the parties at such a meeting agree to make corrections, to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties; and the appropriate school officials shall take the necessary actions to implement the agreement. If the parties cannot reach an agreement, upon the request of either party, a hearing shall be held on such challenge under rules adopted by the State Board of Education. Upon the request of the parent or student, the hearing shall be exempt from the requirements of s. 286.011. Such rules shall include at least the following provisions:

1. The hearing shall be conducted within a reasonable period of time following the request for the hearing.

2. The hearing shall be conducted, and the decision rendered, by an official of the educational institution or other party who does not have a direct interest in the outcome of the hearing.

3. The parent or student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised under this paragraph.

4. The decision shall be rendered in writing within a

1 reasonable period of time after the conclusion of the hearing.
2 5. The appropriate school officials shall take the
3 necessary actions to implement the decision.
4 (d) Right of privacy.--Every student shall have a
5 right of privacy with respect to the educational records kept
6 on him or her. Personally identifiable records or reports of a
7 student, and any personal information contained therein, are
8 confidential and exempt from the provisions of s. 119.07(1).
9 No state or local educational agency, board, public school,
10 technical center, or public postsecondary educational
11 institution shall permit the release of such records, reports,
12 or information without the written consent of the student's
13 parent, or of the student himself or herself if he or she is
14 qualified as provided in this subsection, to any individual,
15 agency, or organization. However, personally identifiable
16 records or reports of a student may be released to the
17 following persons or organizations without the consent of the
18 student or the student's parent:
19 1. Officials of schools, school systems, technical
20 centers, or public postsecondary educational institutions in
21 which the student seeks or intends to enroll; and a copy of
22 such records or reports shall be furnished to the parent or
23 student upon request.
24 2. Other school officials, including teachers within
25 the educational institution or agency, who have legitimate
26 educational interests in the information contained in the
27 records.
28 3. The United States Secretary of Education, the
29 Director of the National Institute of Education, the Assistant
30 Secretary for Education, the Comptroller General of the United
31 States, or state or local educational authorities who are

1 authorized to receive such information subject to the
2 conditions set forth in applicable federal statutes and
3 regulations of the United States Department of Education, or
4 in applicable state statutes and rules of the State Board of
5 Education.
6 4. Other school officials, in connection with a
7 student's application for or receipt of financial aid.
8 5. Individuals or organizations conducting studies for
9 or on behalf of an institution or a board of education for the
10 purpose of developing, validating, or administering predictive
11 tests, administering student aid programs, or improving
12 instruction, if such studies are conducted in such a manner as
13 will not permit the personal identification of students and
14 their parents by persons other than representatives of such
15 organizations and if such information will be destroyed when
16 no longer needed for the purpose of conducting such studies.
17 6. Accrediting organizations, in order to carry out
18 their accrediting functions.
19 7. School readiness coalitions and the Florida
20 Partnership for School Readiness in order to carry out their
21 assigned duties.
22 8. For use as evidence in student expulsion hearings
23 conducted by a district school board pursuant to the
24 provisions of chapter 120.
25 9. Appropriate parties in connection with an
26 emergency, if knowledge of the information in the student's
27 educational records is necessary to protect the health or
28 safety of the student or other individuals.
29 10. The Auditor General and the Office of Program
30 Policy Analysis and Government Accountability in connection
31 with their official functions; however, except when the

1 collection of personally identifiable information is
2 specifically authorized by law, any data collected by the
3 Auditor General and the Office of Program Policy Analysis and
4 Government Accountability is confidential and exempt from the
5 provisions of s. 119.07(1) and shall be protected in such a
6 way as will not permit the personal identification of students
7 and their parents by other than the Auditor General, the
8 Office of Program Policy Analysis and Government
9 Accountability, and their staff, and such personally
10 identifiable data shall be destroyed when no longer needed for
11 the Auditor General's and the Office of Program Policy
12 Analysis and Government Accountability's official use.
13 11.a. A court of competent jurisdiction in compliance
14 with an order of that court or the attorney of record pursuant
15 to a lawfully issued subpoena, upon the condition that the
16 student and the student's parent are notified of the order or
17 subpoena in advance of compliance therewith by the educational
18 institution or agency.
19 b. A person or entity pursuant to a court of competent
20 jurisdiction in compliance with an order of that court or the
21 attorney of record pursuant to a lawfully issued subpoena,
22 upon the condition that the student, or his or her parent if
23 the student is either a minor and not attending a
24 postsecondary educational institution or a dependent of such
25 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
26 Revenue Code of 1954), is notified of the order or subpoena in
27 advance of compliance therewith by the educational institution
28 or agency.
29 12. Credit bureaus, in connection with an agreement
30 for financial aid that the student has executed, provided that
31 such information may be disclosed only to the extent necessary

to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained pursuant to this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

This paragraph does not prohibit any educational institution from publishing and releasing to the general public directory information relating to a student if the institution elects to do so. However, no educational institution shall release, to any individual, agency, or organization that is not listed in subparagraphs 1.-13., directory information relating to the

student body in general or a portion thereof unless it is normally published for the purpose of release to the public in general. Any educational institution making directory information public shall give public notice of the categories of information that it has designated as directory information with respect to all students attending the institution and shall allow a reasonable period of time after such notice has been given for a parent or student to inform the institution in writing that any or all of the information designated should not be released.

(4) NOTIFICATION.--Every parent and student entitled to rights relating to student records and reports under the provisions of subsection (3) shall be notified annually, in writing, of such rights and that the institution has a policy of supporting the law; the types of information and data generally entered in the student records as maintained by the institution; and the procedures to be followed in order to exercise such rights. The notification shall be general in form and in a manner to be determined by the State Board of Education and may be incorporated with other printed materials distributed to students, such as being printed on the back of school assignment forms or report cards for students attending kindergarten or grades 1 through 12 in the public school system and being printed in college catalogs or in other program announcement bulletins for students attending postsecondary educational institutions.

(5) PENALTY.--In the event that any public school official or employee, district school board official or employee, technical center official or employee, or public postsecondary educational institution official or employee refuses to comply with any of the provisions of this section,

the aggrieved parent or student shall have an immediate right to bring an action in the circuit court to enforce the violated right by injunction. Any aggrieved parent or student who brings such an action and whose rights are vindicated may be awarded attorney's fees and court costs.

(6) APPLICABILITY TO RECORDS OF DEFUNCT INSTITUTIONS.--The provisions of this section also apply to student records that any nonpublic educational institution that is no longer operating has deposited with the district school superintendent in the county where the nonpublic educational institution was located.

Section 95. Part III of chapter 1002, Florida Statutes, shall be entitled "Educational Choice" and shall consist of ss. 1002.31-1002.39.

Section 96. Section 1002.31, Florida Statutes, is created to read:

1002.31 Public school parental choice.--

(1) As used in this section, "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.

(2) Each district school board 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.

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

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

(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.

(6) Plans shall be submitted to the Commissioner of Education. 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.

(7) Notwithstanding any provision of this section, a

1 school district with schools operating on both multiple
2 session schedules and single session schedules shall afford
3 parents of students in multiple session schools preferred
4 access to the controlled open enrollment program of the school
5 district.
6 (8) Each district school board shall annually report
7 the number of students applying for and attending the various
8 types of public schools of choice in the district, including
9 schools such as magnet schools and public charter schools,
10 according to rules adopted by the State Board of Education.
11 Section 97. Section 1002.32, Florida Statutes, is
12 created to read:
13 1002.32 Developmental research (laboratory) schools.--
14 (1) SHORT TITLE.--This section may be cited as the
15 "Sidney Martin Developmental Research School Act."
16 (2) ESTABLISHMENT.--There is established a category of
17 public schools to be known as developmental research
18 (laboratory) schools (lab schools). Each lab school shall
19 provide sequential instruction and shall be affiliated with
20 the college of education within the state university of
21 closest geographic proximity. A lab school to which a charter
22 has been issued under s. 1002.33(5)(b) must be affiliated with
23 the college of education within the state university that
24 issued the charter, but is not subject to the requirement that
25 the state university be of closest geographic proximity. For
26 the purpose of state funding, Florida Agricultural and
27 Mechanical University, Florida Atlantic University, Florida
28 State University, the University of Florida, and other
29 universities approved by the State Board of Education and the
30 Legislature are authorized to sponsor one or more lab schools.
31 (3) MISSION.--The mission of a lab 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 lab school shall embody the goals and standards established pursuant to ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate education for its students.

(a) Each lab school shall emphasize mathematics, science, computer science, and foreign languages. The primary goal of a lab 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 lab school shall provide sequential elementary and secondary instruction where appropriate. A lab 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. 1003.02(3).

(b) Research, demonstration, and evaluation conducted at a lab school may be generated by the college of education and other colleges within the university with which the school is affiliated.

(c) Research, demonstration, and evaluation conducted at a lab school may be generated by the State Board of Education. 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 lab school may consist of pilot projects to be generated by the affiliated college, the State Board of Education, or the Legislature.

1 (e) The exceptional education programs offered at a
2 lab school shall be determined by the research and evaluation
3 goals and the availability of students for efficiently sized
4 programs. The fact that a lab school offers an exceptional
5 education program in no way lessens the general responsibility
6 of the local school district to provide exceptional education
7 programs.
8 (4) STUDENT ADMISSIONS.--Each lab school may establish
9 a primary research objective related to fundamental issues and
10 problems that occur in the public elementary and secondary
11 schools of the state. A student population reflective of the
12 student population of the public school environment in which
13 the issues and problems are most prevalent shall be promoted
14 and encouraged through the establishment and implementation of
15 an admission process that is designed to result in a
16 representative sample of public school enrollment based on
17 gender, race, socioeconomic status, and academic ability,
18 notwithstanding the provisions of s. 1000.05.
19 (5) STUDENT FEES.--Each lab school may charge a
20 student activity and service fee. Any school that elects to
21 charge such a fee shall provide information regarding the use
22 of the fee as well as an annual report that documents the
23 manner in which the moneys provided by such fee were expended.
24 The annual report prescribed in this subsection shall be
25 distributed to the parents of each student. No additional fees
26 shall be charged.
27 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
28 school may accrue supplemental revenue from
29 supplemental-support organizations, which include, but are not
30 limited to, alumni associations, foundations, parent-teacher
31 associations, and booster associations. The governing body of

each supplemental-support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the recommendations of the school advisory council and review of the director. The director may override any proposed expenditure of the organization that would violate Florida Statutes or breach sound educational management.

(7) PERSONNEL.--

(a) Each lab school may employ either a director or a principal, or both, at the discretion of the university. The duties of such personnel shall be as follows:

1. Each director shall be the chief executive officer and shall oversee the education, research, and evaluation goals of the school. The director shall be responsible for recommending policy to the advisory board. The director shall be accountable for the financial resources of the school.

2. Each principal shall be the chief educational officer and shall oversee the educational program of the school. The principal shall be accountable for the daily operation and administration of the school.

(b) Faculty may serve simultaneously as instructional personnel for the lab school and the university with which the school is affiliated. Nothing in this section is intended to affect the collective bargaining rights of lab school employees, except as specifically provided in this section.

(c) Lab school faculty members shall meet the certification requirements of ss. 1012.32 and 1012.42.

(8) ADVISORY BOARDS.--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. 1001.452, and is responsible for the development and

implementation of the school improvement plan pursuant to s. 1003.02(3). Lab schools shall comply with the provisions of s. 1001.452 in one of two ways:

(a) Each lab school may establish two advisory bodies as follows:

1. An advisory body pursuant to the provisions and requirements of s. 1001.452 to be responsible for the development and implementation of the school improvement plan, pursuant to s. 1003.02(3).

2. 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 four faculty members from the related university, at least two of whom are from the college of education, one layperson who resides in the county in which the school is located, two parents of students who attend the lab school, and one lab school student appointed by the principal 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 moneys 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) Each lab school may establish one advisory body responsible for the development and implementation of the school improvement plan, pursuant to s. 1003.02(3), in addition to general oversight and guidance responsibilities. The advisory body shall reflect the membership composition requirements established in s. 1001.452, 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.

(9) FUNDING.--Funding for a lab school, including a charter lab school, shall be provided as follows:

(a) Each lab school shall be allocated its proportional share of operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act. The nonvoted ad valorem millage that would otherwise be required for lab schools shall be allocated from state funds. The required local effort funds calculated pursuant to s. 1011.62 shall be allocated from

state funds to the schools as a part of the allocation of operating funds pursuant to s. 1011.62. Each eligible lab school shall also receive a proportional share of the sparsity supplement as calculated pursuant to s. 1011.62. In addition, each lab school shall receive its proportional share of all categorical funds, with the exception of s. 1011.68, and new categorical funds enacted after July 1, 1994, for the purpose of elementary or secondary academic program enhancement. The sum of funds available as provided in this paragraph shall be included annually in the Florida Education Finance Program and appropriate categorical programs funded in the General Appropriations Act.

(b) There is created a Lab School Educational Facility Trust Fund to be administered by the Commissioner of Education. Allocations from such fund shall be expended solely for the purpose of facility construction, repair, renovation, remodeling, site improvement, or maintenance. The commissioner shall administer the fund in accordance with ss. 1013.60, 1013.64, 1013.65, and 1013.66.

(c) All operating funds provided under this section shall be deposited in a Lab School Trust Fund and shall be expended for the purposes of this section. The university assigned a lab school shall be the fiscal agent for these funds, and all rules of the university governing the budgeting and expenditure of state funds shall apply to these funds unless otherwise provided by law or rule of the State Board of Education. The university board of trustees shall be the public employer of lab school personnel for collective bargaining purposes.

(d) Each lab school shall receive funds for operating purposes in an amount determined as follows: multiply the

maximum allowable nonvoted discretionary millage for operations pursuant to s. 1011.71(1) by the value of 95 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary operating funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School Trust Fund.

(e) Each lab school shall receive funds for capital improvement purposes in an amount determined as follows: multiply the maximum allowable nonvoted discretionary millage for capital improvements pursuant to s. 1011.71(2) by the value of 95 percent of the current year's taxable value for school purposes for the district in which each lab school is located; divide the result by the total full-time equivalent membership of the district; and multiply the result by the full-time equivalent membership of the lab school. The amount thus obtained shall be discretionary capital improvement funds and shall be appropriated from state funds in the General Appropriations Act to the Lab School Educational Facility Trust Fund.

(f) In addition to the funds appropriated for capital outlay budget needs, lab schools may receive specific funding as specified in the General Appropriations Act for upgrading, renovating, and remodeling science laboratories.

(g) Each lab school is designated a teacher education center and may provide inservice training to school district personnel. The Department of Education shall provide funds to the Lab School Trust Fund for this purpose from appropriations

for inservice teacher education.

(h) A lab school to which a charter has been issued under s. 1002.33(5)(b) is eligible to receive funding for charter school capital outlay if it meets the eligibility requirements of s. 1013.62. If the lab school receives funds from charter school capital outlay, the school shall receive capital outlay funds otherwise provided in this subsection only to the extent that funds allocated pursuant to s. 1013.62 are insufficient to provide capital outlay funds to the lab school at one-fifteenth of the cost per student station.

(10) IMPLEMENTATION.--The State Board of Education shall adopt rules necessary to facilitate the implementation of this section.

(11) EXCEPTIONS TO LAW.--To encourage innovative practices and facilitate the mission of the lab schools, in addition to the exceptions to law specified in s. 1001.23(2), the following exceptions shall be permitted for lab schools:

(a) The methods and requirements of the following statutes shall be held in abeyance: ss. 1001.30; 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

(b) With the exception of s. 1001.42(16), s. 1001.42 shall be held in abeyance. Reference to district school boards

in s. 1001.42(16) shall mean the president of the university or the president's designee.

Section 98. Section 1002.33, Florida Statutes, is created to read:

1002.33 Charter schools.--

(1) AUTHORIZATION.--Charter schools shall be part of the state's program of public education. All charter schools in Florida are public schools. A charter school may be formed by creating a new school or converting an existing public school to charter status. A public school may not use the term charter in its name unless it has been approved under this section.

(2) PURPOSE.--

(a) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students.

3. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

4. Encourage the use of innovative learning methods.

5. Require the measurement of learning outcomes.

(b) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school district to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

(3) APPLICATION FOR CHARTER STATUS.--

(a) An application for a new charter school may be made by an individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this state.

(b) An application for a conversion charter school shall be made by the district school board, the principal, teachers, parents, and/or the school advisory council at an existing public school that has been in operation for at least 2 years prior to the application to convert, including a public school-within-a-school that is designated as a school by the district school board. An application submitted proposing to convert an existing public school to a charter school shall demonstrate the support of at least 50 percent of the teachers employed at the school and 50 percent of the parents voting whose children are enrolled at the school, provided that a majority of the parents eligible to vote participate in the ballot process, according to rules adopted by the State Board of Education. A district school board denying an application for a conversion charter school shall provide notice of denial to the applicants in writing within 30 days after the meeting at which the district school board denied the application. The notice must specify the exact reasons for denial and must provide documentation supporting those reasons. A private school, parochial school, or home education program shall not be eligible for charter school status.

(4) UNLAWFUL REPRISAL.--

(a) No district school board, or district school board employee who has control over personnel actions, shall take unlawful reprisal against another district school board employee because that employee is either directly or

indirectly involved with an application to establish a charter school. As used in this subsection, the term "unlawful reprisal" means an action taken by a district school board or a school system employee against an employee who is directly or indirectly involved in a lawful application to establish a charter school, which occurs as a direct result of that involvement, and which results in one or more of the following: disciplinary or corrective action; adverse transfer or reassignment, whether temporary or permanent; suspension, demotion, or dismissal; an unfavorable performance evaluation; a reduction in pay, benefits, or rewards; elimination of the employee's position absent of a reduction in workforce as a result of lack of moneys or work; or other adverse significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification. The following procedures shall apply to an alleged unlawful reprisal that occurs as a consequence of an employee's direct or indirect involvement with an application to establish a charter school:

1. Within 60 days after the date upon which a reprisal prohibited by this subsection is alleged to have occurred, an employee may file a complaint with the Department of Education.

2. Within 3 working days after receiving a complaint under this section, the Department of Education shall acknowledge receipt of the complaint and provide copies of the complaint and any other relevant preliminary information available to each of the other parties named in the complaint, which parties shall each acknowledge receipt of such copies to the complainant.

3. If the Department of Education determines that the

complaint demonstrates reasonable cause to suspect that an unlawful reprisal has occurred, the Department of Education shall conduct an investigation to produce a fact-finding report.

4. Within 90 days after receiving the complaint, the Department of Education shall provide the district school superintendent of the complainant's district and the complainant with a fact-finding report that may include recommendations to the parties or a proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

5. If the Department of Education determines that reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Department of Education shall terminate the investigation. Upon termination of any investigation, the Department of Education shall notify the complainant and the district school superintendent of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding.

6. The Department of Education shall either contract with the Division of Administrative Hearings under s. 120.65, or otherwise provide for a complaint for which the Department of Education determines reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, and is unable to conciliate, to be heard by a panel

of impartial persons. Upon hearing the complaint, the panel shall make findings of fact and conclusions of law for a final decision by the Department of Education.

It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this section.

(b) In any action brought under this section for which it is determined reasonable grounds exist to believe that an unlawful reprisal has occurred, is occurring, or is to be taken, the relief shall include the following:

1. Reinstatement of the employee to the same position held before the unlawful reprisal was commenced, or to an equivalent position, or payment of reasonable front pay as alternative relief.

2. Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

3. Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the unlawful reprisal.

4. Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

5. Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

6. Temporary reinstatement to the employee's former position or to an equivalent position, pending the final outcome of the complaint, if it is determined that the action

was not made in bad faith or for a wrongful purpose, and did not occur after a district school board's initiation of a personnel action against the employee that includes documentation of the employee's violation of a disciplinary standard or performance deficiency.

(5) SPONSOR.--

(a) A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

(b) A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

(c) The sponsor shall monitor and review the charter school in its progress towards the goals established in the charter.

(d) The sponsor shall monitor the revenues and expenditures of the charter school.

(e) The sponsor may approve a charter for a charter school before the applicant has secured space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working capital.

(f) The sponsor's policies shall not apply to a charter school.

(g) A sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

(6) APPLICATION PROCESS AND REVIEW.--

(a) A district school board shall receive and review all applications for a charter school. A district school board shall receive and consider charter school applications

received on or before October 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the district school board. A district school board may receive applications later than this date if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of an application upon the promise of future payment of any kind.

1. In order to facilitate an accurate budget projection process, a district school board shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a district school board or other sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. A district school board shall by a majority vote approve or deny an application no later than 60 calendar days after the application is received, unless the district school board and the applicant mutually agree to temporarily postpone the vote to a specific date, at which time the district school board shall by a majority vote approve or deny the application. If the district school board fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (b). If an application is denied, the district school board shall, within 10 calendar days, articulate in writing the specific reasons based upon

good cause supporting its denial of the charter application.

3. For budget projection purposes, the district school board or other sponsor shall report to the Department of Education the approval or denial of a charter application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

4. Upon approval of a charter application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted unless the district school board allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of that applicant's application or failure to act on an application to the State Board of Education no later than 30 calendar days after receipt of the district school board's decision or failure to act and shall notify the district school board of its appeal. Any response of the district school board shall be submitted to the State Board of Education within 30 calendar days after notification of the appeal. Upon receipt of notification from the State Board of Education that a charter school applicant is filing an appeal, the Commissioner of Education shall convene a meeting of the Charter School Appeal Commission to study and make recommendations to the State Board of Education regarding its pending decision about the appeal. The commission shall forward its recommendation to the state board no later than 7 calendar days prior to the date on which the appeal is to be heard. The State Board of Education shall by majority vote accept or reject the decision of the district school board no later than 60 calendar days

after an appeal is filed in accordance with State Board of Education rule. The Charter School Appeal Commission may reject an appeal submission for failure to comply with procedural rules governing the appeals process. The rejection shall describe the submission errors. The appellant may have up to 15 calendar days from notice of rejection to resubmit an appeal that meets requirements of State Board of Education rule. An application for appeal submitted subsequent to such rejection shall be considered timely if the original appeal was filed within 30 calendar days after receipt of notice of the specific reasons for the district school board's denial of the charter application. The State Board of Education shall remand the application to the district school board with its written decision that the district school board approve or deny the application. The district school board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedures Act, chapter 120.

(c) The district school board shall act upon the decision of the State Board of Education within 30 calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review.

(d)1. A Charter School Appeal Commission is established to assist the commissioner and the State Board of Education with a fair and impartial review of appeals by applicants whose charters have been denied or whose charter contracts have not been renewed by their sponsors.

2. The Charter School Appeal Commission may receive copies of the appeal documents forwarded to the State Board of Education, review the documents, gather other applicable information regarding the appeal, and make a written

recommendation to the commissioner. The recommendation must state whether the appeal should be upheld or denied and include the reasons for the recommendation being offered. The commissioner shall forward the recommendation to the State Board of Education no later than 7 calendar days prior to the date on which the appeal is to be heard. The state board must consider the commission's recommendation in making its decision, but is not bound by the recommendation. The decision of the Charter School Appeal Commission is not subject to the provisions of the Administrative Procedure Act, chapter 120.

3. The commissioner shall appoint the members of the Charter School Appeal Commission. Members shall serve without compensation but may be reimbursed for travel and per diem expenses in conjunction with their service. One-half of the members must represent currently operating charter schools and one-half of the members must represent school districts. The commissioner or a named designee shall chair the Charter School Appeal Commission.

4. The chair shall convene meetings of the commission and shall ensure that the written recommendations are completed and forwarded in a timely manner. In cases where the commission cannot reach a decision, the chair shall make the written recommendation with justification, noting that the decision was rendered by the chair.

5. Commission members shall throughly review the materials presented to them from the appellant and the sponsor. The commission may request information to clarify the documentation presented to it. In the course of its review, the commission may facilitate the postponement of an appeal in those cases where additional time and communication

may negate the need for a formal appeal and both parties agree, in writing, to postpone the appeal to the State Board of Education. A new date certain for the appeal shall then be set based upon the rules and procedures of the State Board of Education. Commission members shall provide a written recommendation to the state board as to whether the appeal should be upheld or denied. A fact-based justification for the recommendation must be included. The chair must ensure that the written recommendation is submitted to the State Board of Education members no later than 7 calendar days prior to the date on which the appeal is to be heard. Both parties in the case shall also be provided a copy of the recommendation.

(e) The Department of Education may provide technical assistance to an applicant upon written request.

(f) In considering charter applications for a lab school, a state university shall consult with the district school board of the county in which the lab school is located. The decision of a state university may be appealed pursuant to the procedure established in this subsection.

(g) The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor shall not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The applicant and sponsor shall have 6 months in which to mutually agree to the provisions of the charter. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved

charter, except disputes regarding charter school application denials. If the Commissioner of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party whom the administrative law judge rules against.

(7) 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.

(a) The charter shall address, and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

3. The current incoming baseline standard of student

academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description for each of the following:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. Included in the methods is a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for

graduation in s. 1003.43.

6. A method for resolving conflicts between the governing body of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The term of the charter which shall provide for

cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for 3, 4, or 5 years. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 10-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only for specific good cause according to the provisions set forth in subsection (8).

12. The facilities to be used and their location.

13. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

14. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

15. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

16. In the case of an existing public school being

1 converted to charter status, alternative arrangements for
2 current students who choose not to attend the charter school
3 and for current teachers who choose not to teach in the
4 charter school after conversion in accordance with the
5 existing collective bargaining agreement or district school
6 board rule in the absence of a collective bargaining
7 agreement. However, alternative arrangements shall not be
8 required for current teachers who choose not to teach in a
9 charter lab school, except as authorized by the employment
10 policies of the state university which grants the charter to
11 the lab school.
12 (b) A charter may be renewed every 5 school years,
13 provided that a program review demonstrates that the criteria
14 in paragraph (a) have been successfully accomplished and that
15 none of the grounds for nonrenewal established by paragraph
16 (8)(a) have been documented. In order to facilitate long-term
17 financing for charter school construction, charter schools
18 operating for a minimum of 2 years and demonstrating exemplary
19 academic programming and fiscal management are eligible for a
20 15-year charter renewal. Such long-term charter is subject to
21 annual review and may be terminated during the term of the
22 charter.
23 (c) A charter may be modified during its initial term
24 or any renewal term upon the recommendation of the sponsor or
25 the charter school governing board and the approval of both
26 parties to the agreement.
27 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--
28 (a) At the end of the term of a charter, the sponsor
29 may choose not to renew the charter for any of the following
30 grounds:
31 1. Failure to meet the requirements for student

performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Violation of law.

4. Other good cause shown.

(b) During the term of a charter, the sponsor may terminate the charter for any of the grounds listed in paragraph (a).

(c) At least 90 days prior to renewing or terminating a charter, the sponsor shall notify the governing body of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing body may, within 14 calendar days after receiving the notice, request an informal hearing before the sponsor. The sponsor shall conduct the informal hearing within 30 calendar days after receiving a written request. The charter school's governing body may, within 14 calendar days after receiving the sponsor's decision to terminate or refuse to renew the charter, appeal the decision pursuant to the procedure established in subsection (6).

(d) A charter may be terminated immediately if the sponsor determines that good cause has been shown or if the health, safety, or welfare of the students is threatened. The school district in which the charter school is located shall assume operation of the school under these circumstances. The charter school's governing board may, within 14 days after receiving the sponsor's decision to terminate the charter, appeal the decision pursuant to the procedure established in subsection (6).

(e) When a charter is not renewed or is terminated,

the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds from the charter school shall revert to the district school board. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds shall automatically revert to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved.

(f) If a charter is not renewed or is terminated, the charter school is responsible for all debts of the charter school. The district may not assume the debt from any contract for services made between the governing body of the school and a third party, except for a debt that is previously detailed and agreed upon in writing by both the district and the governing body of the school and that may not reasonably be assumed to have been satisfied by the district.

(g) If a charter is not renewed or is terminated, a student who attended the school may apply to, and shall be enrolled in, another public school. Normal application deadlines shall be disregarded under such circumstances.

(9) CHARTER SCHOOL REQUIREMENTS.--

(a) A charter school shall be nonsectarian in its programs, admission policies, employment practices, and

operations.

(b) A charter school shall admit students as provided in subsection (10).

(c) A charter school shall be accountable to its sponsor for performance as provided in subsection (7).

(d) A charter school shall not charge tuition or registration fees, except those fees normally charged by other public schools. However, a charter lab school may charge a student activity and service fee as authorized by s. 1002.32(5).

(e) A charter school shall meet all applicable state and local health, safety, and civil rights requirements.

(f) A charter school shall not violate the antidiscrimination provisions of s. 1000.05.

(g) A charter school shall provide for an annual financial audit in accordance with s. 218.39.

(h) No organization shall hold more than 15 charters statewide.

(i) In order to provide financial information that is comparable to that reported for other public schools, charter schools are to maintain all financial records which constitute their accounting system:

1. In accordance with the accounts and codes prescribed in the most recent issuance of the publication titled "Financial and Program Cost Accounting and Reporting for Florida Schools"; or

2. At the discretion of the charter school governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to this paragraph.

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2 Charter schools are to provide annual financial report and
3 program cost report information in the state-required formats
4 for inclusion in district reporting in compliance with s.
5 1011.60(1). Charter schools that are operated by a
6 municipality or are a component unit of a parent nonprofit
7 organization may use the accounting system of the municipality
8 or the parent, but must reformat this information for
9 reporting according to this paragraph.
10 (j) The governing board of the charter school shall
11 annually adopt and maintain an operating budget.
12 (k) The governing body of the charter school shall
13 exercise continuing oversight over charter school operations
14 and make annual progress reports to its sponsor, which upon
15 verification shall be forwarded to the Commissioner of
16 Education at the same time as other annual school
17 accountability reports. The report shall contain at least the
18 following information:
19 1. The charter school's progress towards achieving the
20 goals outlined in its charter.
21 2. The information required in the annual school
22 report pursuant to s. 1008.345.
23 3. Financial records of the charter school, including
24 revenues and expenditures.
25 4. Salary and benefit levels of charter school
26 employees.
27 (l) A charter school shall not levy taxes or issue
28 bonds secured by tax revenues.
29 (m) A charter school shall provide instruction for at
30 least the number of days required by law for other public
31 schools, and may provide instruction for additional days.

(10) ELIGIBLE STUDENTS.--

(a) A charter school shall be open to any student covered in an interdistrict agreement or residing in the school district in which the charter school is located; however, in the case of a charter lab school, the charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause.

(b) The charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In such case, all applicants shall have an equal chance of being admitted through a random selection process.

(c) When a public school converts to charter status, enrollment preference shall be given to students who would have otherwise attended that public school.

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (16).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (21)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

(f) Students with handicapping conditions and students served in English for Speakers of Other Languages programs shall have an equal opportunity of being selected for enrollment in a charter school.

(g) A student may withdraw from a charter school at any time and enroll in another public school as determined by

district school board rule.

(h) The capacity of the charter school shall be determined annually by the governing board, in conjunction with the sponsor, of the charter school in consideration of the factors identified in this subsection.

(11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR ACTIVITIES.--A charter school student is eligible to participate in an interscholastic extracurricular activity at the public school to which the student would be otherwise assigned to attend pursuant to s. 1006.15(3)(d).

(12) EMPLOYEES OF CHARTER SCHOOLS.--

(a) A charter school shall select its own employees. A charter school may contract with its sponsor for the services of personnel employed by the sponsor.

(b) Charter school employees shall have the option to bargain collectively. Employees may collectively bargain as a separate unit or as part of the existing district collective bargaining unit as determined by the structure of the charter school.

(c) The employees of a conversion charter school shall remain public employees for all purposes, unless such employees choose not to do so.

(d) The teachers at a charter school may choose to be part of a professional group that subcontracts with the charter school to operate the instructional program under the auspices of a partnership or cooperative that they collectively own. Under this arrangement, the teachers would not be public employees.

(e) Employees of a school district may take leave to accept employment in a charter school upon the approval of the district school board. While employed by the charter school

and on leave that is approved by the district school board, the employee may retain seniority accrued in that school district and may continue to be covered by the benefit programs of that school district, if the charter school and the district school board agree to this arrangement and its financing. School districts shall not require resignations of teachers desiring to teach in a charter school. This paragraph shall not prohibit a district school board from approving alternative leave arrangements consistent with chapter 1012.

(f) Teachers employed by or under contract to a charter school shall be certified as required by chapter 1012. A charter school governing board may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as defined in chapter 1012, and as provided by State Board of Education rule for charter school governing boards. A charter school may not knowingly employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. A charter school may not knowingly employ an individual who has resigned from a school district in lieu of disciplinary action with respect to child welfare or safety, or who has been dismissed for just cause by any school district with respect to child welfare or safety. The qualifications of teachers shall be disclosed to parents.

(g) A charter school shall employ or contract with employees who have been fingerprinted as provided in s. 1012.32. Members of the governing board of the charter school shall also be fingerprinted in a manner similar to that

provided in s. 1012.32.

(h) For the purposes of tort liability, the governing body and employees of a charter school shall be governed by s. 768.28.

(i) A charter school shall organize as, or be operated by, a nonprofit organization. A charter school may be operated by a municipality or other public entity as provided for by law. As such, the charter school may be either a private or a public employer. As a public employer, a charter school may participate in the Florida Retirement System upon application and approval as a "covered group" under s. 121.021(34). If a charter school participates in the Florida Retirement System, the charter school employees shall be compulsory members of the Florida Retirement System. As either a private or a public employer, a charter school may contract for services with an individual or group of individuals who are organized as a partnership or a cooperative. Individuals or groups of individuals who contract their services to the charter school are not public employees.

(13) NUMBER OF SCHOOLS.--

(a) The number of newly created charter schools is limited to no more than 28 in each school district that has 100,000 or more students, no more than 20 in each school district that has 50,000 to 99,999 students, and no more than 12 in each school district with fewer than 50,000 students.

(b) An existing public school which converts to a charter school shall not be counted towards the limit established by paragraph (a).

(c) Notwithstanding any limit established by this subsection, a district school board or a charter school applicant shall have the right to request an increase of the

limit on the number of charter schools authorized to be established within the district from the State Board of Education.

(d) Whenever a municipality has submitted charter applications for the establishment of a charter school feeder pattern (elementary, middle, and senior high schools), and upon approval of each individual charter application by the district school board, such applications shall then be designated as one charter school for all purposes listed pursuant to this section.

(14) CHARTER SCHOOL COOPERATIVES.--Charter schools may enter into cooperative agreements to form charter school cooperative organizations that may provide the following services: charter school planning and development, direct instructional services, and contracts with charter school governing boards to provide personnel administrative services, payroll services, human resource management, evaluation and assessment services, teacher preparation, and professional development.

(15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS; INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into to borrow or otherwise secure funds for a charter school authorized in this section from a source other than the state or a school district shall indemnify the state and the school district from any and all liability, including, but not limited to, financial responsibility for the payment of the principal or interest. Any loans, bonds, or other financial agreements are not obligations of the state or the school district but are obligations of the charter school authority and are payable solely from the sources of funds pledged by

such agreement. The credit or taxing power of the state or the school district shall not be pledged and no debts shall be payable out of any moneys except those of the legal entity in possession of a valid charter approved by a district school board pursuant to this section.

(16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER SCHOOLS-IN-A-MUNICIPALITY.--

(a) In order to increase business partnerships in education, to reduce school and classroom overcrowding throughout the state, and to offset the high costs for educational facilities construction, the Legislature intends to encourage the formation of business partnership schools or satellite learning centers and municipal-operated schools through charter school status.

(b) A charter school-in-the-workplace may be established when a business partner provides the school facility to be used; enrolls students based upon a random lottery that involves all of the children of employees of that business or corporation who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions described in subparagraph (7)(a)8. Any portion of a facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(c) A charter school-in-a-municipality designation may be granted to a municipality that possesses a charter; enrolls students based upon a random lottery that involves all of the children of the residents of that municipality who are seeking enrollment, as provided for in subsection (10); and enrolls students according to the racial/ethnic balance provisions

described in subparagraph (7)(a)8. Any portion of the land and facility used for a public charter school shall be exempt from ad valorem taxes, as provided for in s. 1013.54, for the duration of its use as a public school.

(d) As used in this subsection, the terms "business partner" or "municipality" may include more than one business or municipality to form a charter school-in-the-workplace or charter school-in-a-municipality.

(17) EXEMPTION FROM STATUTES.--

(a) A charter school shall operate in accordance with its charter and shall be exempt from all statutes in chapters 1000-1013. However, a charter school shall be in compliance with the following statutes in chapters 1000-1013:

1. Those statutes specifically applying to charter schools, including this section.

2. Those statutes pertaining to the student assessment program and school grading system.

3. Those statutes pertaining to the provision of services to students with disabilities.

4. Those statutes pertaining to civil rights, including s. 1000.05, relating to discrimination.

5. Those statutes pertaining to student health, safety, and welfare.

(b) Additionally, a charter school shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.

2. Chapter 119, relating to public records.

(18) FUNDING.--Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students

enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its student enrollment to the district school board as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The district school board shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.

(b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district's operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education

Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment.

(d) District school boards shall make every effort to ensure that charter schools receive timely and efficient reimbursement, including processing paperwork required to access special state and federal funding for which they may be eligible. The district school board may distribute funds to a charter school for up to 3 months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than 10 working days after the district school board receives a distribution of state or federal funds. If a warrant for payment is not issued within 30 working days after receipt of funding by the district school board, the school district shall pay to the charter school, in addition to the

amount of the scheduled disbursement, interest at a rate of 1 percent per month calculated on a daily basis on the unpaid balance from the expiration of the 30-day period until such time as the warrant is issued.

(19) FACILITIES.--

(a) A charter school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37 or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

(b) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), shall be exempt from ad valorem taxes pursuant to s. 196.1983.

(c) Charter school facilities shall utilize facilities which comply with the Florida Building Code, pursuant to chapter 553, and the Florida Fire Prevention Code, pursuant to chapter 633.

(d) Charter school facilities are exempt from assessments of fees for building permits, except as provided in s. 553.80, and from assessments of impact fees or service availability fees.

(e) If a district school board facility or property is available because it is surplus, marked for disposal, or otherwise unused, it shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the school district.

Similarly, for an existing public school converting to charter status, no rental or leasing fee for the existing facility or for the property normally inventoried to the conversion school may be charged by the district school board to the parents and teachers organizing the charter school. The charter organizers shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to district school board standards. The Public Education Capital Outlay maintenance funds or any other maintenance funds generated by the facility operated as a conversion school shall remain with the conversion school.

(20) CAPITAL OUTLAY FUNDING.--Charter schools are eligible for capital outlay funds pursuant to s. 1013.62.

(21) SERVICES.--

(a) A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services, full-time equivalent and data reporting services, exceptional student education administration services, test administration services, processing of teacher certificate data services, and information services. Any administrative fee charged by the sponsor for the provision of services shall be limited to 5 percent of the available funds defined in paragraph (18)(b).

(b) If goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

(c) Transportation of charter school students shall be

provided by the charter school consistent with the requirements of part I.e. of chapter 1006. The governing body of the charter school may provide transportation through an agreement or contract with the district school board, a private provider, or parents. The charter school and the sponsor shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

(22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The Department of Education shall provide information to the public, directly and through sponsors, both on how to form and operate a charter school and on how to enroll in charter schools once they are created. This information shall include a standard application format which shall include the information specified in subsection (7). This application format may be used by chartering entities.

(23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE REVIEW.--

(a) The Department of Education shall regularly convene a Charter School Review Panel in order to review issues, practices, and policies regarding charter schools. The composition of the review panel shall include individuals with experience in finance, administration, law, education, and school governance, and individuals familiar with charter school construction and operation. The panel shall include two appointees each from the Commissioner of Education, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall appoint three members of the panel and shall designate the chair. Each member of the panel shall serve a 1-year term, unless renewed by the office

making the appointment. The panel shall make recommendations to the Legislature, to the Department of Education, to charter schools, and to school districts for improving charter school operations and oversight and for ensuring best business practices at and fair business relationships with charter schools.

(b) The Legislature shall review the operation of charter schools during the 2005 Regular Session of the Legislature.

(24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon receipt of the annual report required by paragraph (9)(k), 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 statewide assessment program, versus comparable public school students in the district as determined by the statewide assessment program currently administered in the school district, and other assessments administered pursuant to s. 1008.22(3).

(25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

(a) The conversion charter school pilot program is hereby established with the intent to provide incentives for local school districts to approve conversion charter schools.

(b) The conversion charter school pilot program shall be a statewide pilot program in which 10 schools shall be selected based on a competitive application process in accordance with this section.

(c) The purpose of the pilot program is to produce significant improvements in student achievement and school

1 management, to encourage and measure the use of innovative
2 learning methods, and to make the school the unit for
3 improvement.
4 (d) Each school principal or a majority of the parents
5 of students attending the school, a majority of the school's
6 teachers, or a majority of the members of the school advisory
7 council may apply to the school district to participate in
8 this pilot program on forms which shall be provided by the
9 Department of Education. The forms shall include
10 acknowledgment by the school principal of applicable
11 provisions of this section and s. 1013.62. For purposes of
12 this paragraph, "a majority of the parents of students
13 attending the school" means more than 50 percent of the
14 parents voting whose children are enrolled at the school,
15 provided that a majority of the parents eligible to vote
16 participate in the ballot process; and "a majority of the
17 school's teachers" means more than 50 percent of the teachers
18 employed at the school, according to procedures established by
19 rule of the State Board of Education pursuant to subsections
20 (3) and (4).
21 (e) A person or group who has applied to participate
22 in the pilot program created by this section, pursuant to
23 paragraph (d), shall not be subject to an unlawful reprisal,
24 as defined by paragraph (4)(a), as a consequence of such
25 application. The procedures established by subsections (3) and
26 (4) shall apply to any alleged unlawful reprisal which occurs
27 as a consequence of such application.
28 (f) A district school board shall receive and review
29 all applications by school principals, parents, teachers, or
30 school advisory council members to participate in the pilot
31 project; shall select the best applications; and shall submit

these applications, together with the district school board's letter of endorsement and commitment of support and cooperation toward the success of program implementation, for review by the statewide selection panel established pursuant to paragraph (g).

(g) A conversion charter school pilot program statewide selection panel is established. The panel shall be comprised of the following nine members who are not elected public officials:

1. Three members shall be appointed by the Governor.

2. Two members shall be appointed by the Commissioner of Education.

3. Two members shall be appointed by the President of the Senate.

4. Two members shall be appointed by the Speaker of the House of Representatives.

The panel shall review the conversion charter school pilot program applications submitted by the district school boards and shall select the 10 applications which the panel deems best comply with the purpose of the program pursuant to paragraph (c).

(h) Each district school board in which there is a school selected by the statewide panel for participation in the pilot program shall receive a grant as provided in the General Appropriations Act:

1. One hundred thousand dollars for planning and development for each conversion charter school selected; and

2.a. Eighty thousand dollars for each conversion charter school selected with 500 or fewer students;

b. One hundred thousand dollars for each conversion

charter school selected with more than 500 but fewer than 1,001 students; or

c. One hundred twenty thousand dollars for each conversion charter school selected with more than 1,000 students.

The Commissioner of Education may reduce the district's FEFP funding entitlement by the amount of the grant awarded under this subsection if he or she determines that the district has failed to comply with its letter of endorsement and commitment of support and cooperation submitted under paragraph (f).

(i) Each conversion charter school selected for participation in the pilot program shall make annual progress reports to the district school board and the Commissioner of Education detailing the school's progress in achieving the purpose of the program as described in paragraph (c).

(26) RULEMAKING.--The Department of Education, after consultation with school districts and charter school directors, shall recommend that the State Board of Education adopt rules to implement specific subsections of this section. Such rules shall require minimum paperwork and shall not limit charter school flexibility authorized by statute.

Section 99. Section 1002.34, Florida Statutes, is created to read:

1002.34 Charter technical career centers.--

(1) AUTHORIZATION.--The Legislature finds that the establishment of charter technical career centers can assist in promoting advances and innovations in workforce preparation and economic development. A charter technical career center may provide a learning environment that better serves the needs of a specific population group or a group of

occupations, thus promoting diversity and choices within the public education and public postsecondary technical education community in this state. Therefore, the creation of such centers is authorized as part of the state's program of public education. A charter technical career center may be formed by creating a new school or converting an existing school district or community college program to charter technical status.

(2) PURPOSE.--The purpose of a charter technical career center is to:

(a) Develop a competitive workforce to support local business and industry and economic development.

(b) Create a training and education model that is reflective of marketplace realities.

(c) Offer a continuum of career educational opportunities using a school-to-work, tech-prep, technical, academy, and magnet school model.

(d) Provide career pathways for lifelong learning and career mobility.

(e) Enhance career and technical training.

(3) DEFINITIONS.--As used in this section, the term:

(a) "Charter technical career center" or "center" means a public school or a public technical center operated under a charter granted by a district school board or community college board of trustees or a consortium, including one or more district school boards and community college boards of trustees, that includes the district in which the facility is located, that is nonsectarian in its programs, admission policies, employment practices, and operations, and is managed by a board of directors.

(b) "Sponsor" means a district school board, a

1 community college board of trustees, or a consortium of one or
2 more of each.
3 (4) CHARTER.--A sponsor may designate centers as
4 provided in this section. An application to establish a
5 center may be submitted by a sponsor or another organization
6 that is determined, by rule of the State Board of Education,
7 to be appropriate. However, an independent school is not
8 eligible for status as a center. The charter must be signed
9 by the governing body of the center and the sponsor, and must
10 be approved by the district school board and community college
11 board of trustees in whose geographic region the facility is
12 located. If a charter technical career center is established
13 by the conversion to charter status of a public technical
14 center formerly governed by a district school board, the
15 charter status of that center takes precedence in any question
16 of governance. The governance of the center or of any program
17 within the center remains with its board of directors unless
18 the board agrees to a change in governance or its charter is
19 revoked as provided in subsection (15). Such a conversion
20 charter technical career center is not affected by a change in
21 the governance of public technical centers or of programs
22 within other centers that are or have been governed by
23 district school boards. A charter technical career center, or
24 any program within such a center, that was governed by a
25 district school board and transferred to a community college
26 prior to the effective date of this act is not affected by
27 this provision. An applicant who wishes to establish a center
28 must submit to the district school board or community college
29 board of trustees, or a consortium of one or more of each, an
30 application that includes:
31 (a) The name of the proposed center.

(b) The proposed structure of the center, including a list of proposed members of the board of directors or a description of the qualifications for and method of their appointment or election.

(c) The workforce development goals of the center, the curriculum to be offered, and the outcomes and the methods of assessing the extent to which the outcomes are met.

(d) The admissions policy and criteria for evaluating the admission of students.

(e) A description of the staff responsibilities and the proposed qualifications of the teaching staff.

(f) A description of the procedures to be implemented to ensure significant involvement of representatives of business and industry in the operation of the center.

(g) A method for determining whether a student has satisfied the requirements for graduation specified in s. 1003.43 and for completion of a postsecondary certificate or degree.

(h) A method for granting secondary and postsecondary diplomas, certificates, and degrees.

(i) A description of and address for the physical facility in which the center will be located.

(j) A method of resolving conflicts between the governing body of the center and the sponsor and between consortium members, if applicable.

(k) A method for reporting student data as required by law and rule.

(l) Other information required by the district school board or community college board of trustees.

Students at a center must meet the same testing and academic

performance standards as those established by law and rule for students at public schools and public technical centers. The students must also meet any additional assessment indicators that are included within the charter approved by the district school board or community college board of trustees.

(5) APPLICATION.--An application to establish a center must be submitted by February 1 of the year preceding the school year in which the center will begin operation. The sponsor must review the application and make a final decision on whether to approve the application and grant the charter by March 1, and may condition the granting of a charter on the center's taking certain actions or maintaining certain conditions. Such actions and conditions must be provided to the applicant in writing. The district school board or community college board of trustees is not required to issue a charter to any person.

(6) SPONSOR.--A district school board or community college board of trustees or a consortium of one or more of each may sponsor a center in the county in which the board has jurisdiction.

(a) A sponsor must review all applications for centers received through at least February 1 of each calendar year for centers to be opened at the beginning of the sponsor's next school year. A sponsor may receive applications later than this date if it so chooses. To facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of applications after the FTE projection deadline. A sponsor must, by a majority vote, approve or deny an application no later than 60 days after the application is received. If an application is denied, the sponsor must,

within 10 days, notify the applicant in writing of the specific reasons for denial, which must be based upon good cause. Upon approval of a charter application, the initial startup must be consistent with the beginning of the public school or community college calendar for the district in which the charter is granted, unless the sponsor allows a waiver of this provision for good cause.

(b) An applicant may appeal any denial of its application to the State Board of Education within 30 days after the sponsor's denial and shall notify the sponsor of its appeal. Any response of the sponsor must be submitted to the state board within 30 days after notification of the appeal. The State Board of Education must, by majority vote, accept or reject the decision of the sponsor no later than 60 days after an appeal is filed, pursuant to State Board of Education rule. The State Board of Education may reject an appeal for failure to comply with procedural rules governing the appeals process, and the rejection must describe the submission errors. The appellant may have up to 15 days after notice of rejection to resubmit an appeal. An application for appeal submitted after a rejection is timely if the original appeal was filed within 30 days after the sponsor's denial. The State Board of Education shall remand the application to the sponsor with a written recommendation that the sponsor approve or deny the application, consistent with the state board's decision. The decision of the State Board of Education is not subject to the provisions of chapter 120.

(c) The sponsor must act upon the recommendation of the State Board of Education within 30 days after it is received, unless the sponsor determines by competent substantial evidence that approving the state board's

recommendation would be contrary to law or the best interests of the students or the community. The sponsor must notify the applicant in writing concerning the specific reasons for its failure to follow the state board's recommendation. The sponsor's action on the state board's recommendation is a final action, subject to judicial review.

(d) The Department of Education may provide technical assistance to an applicant upon written request.

(e) The terms and conditions for the operation of a center must be agreed to by the sponsor and the applicant in a written contract. The sponsor may not impose unreasonable requirements that violate the intent of giving centers greater flexibility to meet educational goals. The applicant and sponsor must reach an agreement on the provisions of the contract or the application is deemed denied.

(f) The sponsor shall monitor and review the center's progress towards charter goals and shall monitor the center's revenues and expenditures.

(7) LEGAL ENTITY.--A center must organize as a nonprofit organization and adopt a name and corporate seal. A center is a body corporate and politic, with all powers to implement its charter program. The center may:

(a) Be a private or a public employer.

(b) Sue and be sued, but only to the same extent and upon the same conditions that a public entity can be sued.

(c) Acquire real property by purchase, lease, lease with an option to purchase, or gift, to use as a center facility.

(d) Receive and disburse funds.

(e) Enter into contracts or leases for services, equipment, or supplies.

(f) Incur temporary debts in anticipation of the receipt of funds.

(g) Solicit and accept gifts or grants for career center purposes.

(h) Take any other action that is not inconsistent with this section and rules adopted under this section.

(8) ELIGIBLE STUDENTS.--A center must be open to all students as space is available and may not discriminate in admissions policies or practices on the basis of an individual's physical disability or proficiency in English or on any other basis that would be unlawful if practiced by a public school or a community college. A center may establish reasonable criteria by which to evaluate prospective students, which criteria must be outlined in the charter.

(9) FACILITIES.--A center may be located in any suitable location, including part of an existing public school or community college building, space provided on a public worksite, or a public building. A center's facilities must comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37, or with applicable state minimum building codes pursuant to chapter 553, and state minimum fire protection codes pursuant to s. 633.025, adopted by the authority in whose jurisdiction the facility is located. If K-12 public school funds are used for construction, the facility must remain on the local school district's Florida Inventory of School Houses (FISH) school building inventory of the district school board and must revert to the district school board if the consortium dissolves and the program is discontinued. If community college public school funds are used for construction, the facility must remain on the local community

college's facilities inventory and must revert to the local community college board of trustees if the consortium dissolves and the program is discontinued. The additional student capacity created by the addition of the center to the local school district's FISH may not be calculated in the permanent student capacity for the purpose of determining need or eligibility for state capital outlay funds while the facility is used as a center. If the construction of the center is funded jointly by K-12 public school funds and community college funds, the sponsoring entities must agree, before granting the charter, on the appropriate owner and terms of transfer of the facility if the charter is dissolved.

(10) EXEMPTION FROM STATUTES.--

(a) A center must operate pursuant to its charter and is exempt from all statutes of the Florida School Code except provisions pertaining to civil rights and to student health, safety, and welfare, or as otherwise required by law.

(b) A center must comply with the Florida K-20 Education Code with respect to providing services to students with disabilities.

(c) A center must comply with the antidiscrimination provisions of s. 1000.05.

(11) FUNDING.--

(a) Each district school board and community college that sponsors a charter technical career center shall pay directly to the center an amount stated in the charter. State funding shall be generated for the center for its student enrollment and program outcomes as provided in law. A center is eligible for funding from the Florida Workforce Development Education Fund, the Florida Education Finance Program, and the Community College Program Fund, depending upon the programs

1 conducted by the center.
2 (b) A center may receive other state and federal aid,
3 grants, and revenue through the district school board or
4 community college board of trustees.
5 (c) A center may receive gifts and grants from private
6 sources.
7 (d) A center may not levy taxes or issue bonds, but it
8 may charge a student tuition fee consistent with authority
9 granted in its charter and permitted by law.
10 (e) A center shall provide for an annual financial
11 audit in accordance with s. 218.39.
12 (f) A center must provide instruction for at least the
13 number of days required by law for other public schools or
14 community colleges, as appropriate, and may provide
15 instruction for additional days.
16 (12) EMPLOYEES OF A CENTER.--
17 (a) A center may select its own employees.
18 (b) A center may contract for services with an
19 individual, partnership, or a cooperative. Such persons
20 contracted with are not public employees.
21 (c) If a center contracts with a public educational
22 agency for services, the terms of employment must follow
23 existing state law and rule and local policies and procedures.
24 (d) The employees of a center may bargain
25 collectively, as a separate unit or as part of the existing
26 district collective bargaining unit, as determined by the
27 structure of the center.
28 (e) As a public employer, a center may participate in:
29 1. The Florida Retirement System upon application and
30 approval as a "covered group" under s. 121.021(34). If a
31 center participates in the Florida Retirement System, its

employees are compulsory members of the Florida Retirement System.

2. The State Community College System Optional Retirement Program pursuant to s. 1012.875(2), if the charter is granted by a community college that participates in the optional retirement program and meets the eligibility criteria of s. 121.051(2)(c).

(f) Teachers who are considered qualified by the career center are exempt from state certification requirements.

(g) A public school or community college teacher or administrator may take a leave of absence to accept employment in a charter technical career center upon the approval of the school district or community college.

(h) An employee who is on a leave of absence under this section may retain seniority accrued in that school district or community college and may continue to be covered by the benefit programs of that district or community college if the center and the district school board or community college board of trustees agree to this arrangement and its financing.

(13) BOARD OF DIRECTORS AUTHORITY.--The board of directors of a center may decide matters relating to the operation of the school, including budgeting, curriculum, and operating procedures, subject to the center's charter.

(14) ACCOUNTABILITY.--Each center must submit a report to the participating district school board or community college board of trustees by August 1 of each year. The report must be in such form as the sponsor prescribes and must include:

(a) A discussion of progress made toward the

achievement of the goals outlined in the center's charter.

(b) A financial statement setting forth by appropriate categories the revenue and expenditures for the previous school year.

(15) TERMS OF THE CHARTER.--The term of an initial charter may not exceed 5 years. Thereafter, the sponsor may renew a charter for a period up to 5 years. The sponsor may refuse to renew a charter or may revoke a charter if the center has not fulfilled a condition imposed under the charter or if the center has violated any provision of the charter. The sponsor may place the center on probationary status to allow the implementation of a remedial plan, after which, if the plan is unsuccessful, the charter may be summarily revoked. The sponsor shall develop procedures and guidelines for the revocation and renewal of a center's charter. The sponsor must give written notice of its intent not to renew the charter at least 12 months before the charter expires. If the sponsor revokes a charter before the scheduled expiration date, the sponsor must provide written notice to the governing board of the center at least 60 days before the date of termination, stating the grounds for the proposed revocation. The governing board of the center may request in writing an informal hearing before the sponsor within 14 days after receiving the notice of revocation. A revocation takes effect at the conclusion of a school year, unless the sponsor determines that earlier revocation is necessary to protect the health, safety, and welfare of students. The sponsor shall monitor and review the center in its progress towards the goals established in the charter and shall monitor the revenues and expenditures of the center.

(16) TRANSPORTATION.--The center may provide

transportation, pursuant to chapter 1006, through a contract with the district school board or the community college board of trustees, a private provider, or parents of students. The center must ensure that transportation is not a barrier to equal access for all students in grades K-12 residing within a reasonable distance of the facility.

(17) IMMUNITY.--For the purposes of tort liability, the governing body and employees of a center are governed by s. 768.28.

(18) RULES.--The State Board of Education shall adopt rules, pursuant to chapter 120, relating to the implementation of charter technical career centers.

(19) EVALUATION; REPORT.--The Commissioner of Education shall provide for an annual comparative evaluation of charter technical career centers and public technical centers. The evaluation may be conducted in cooperation with the sponsor, through private contracts, or by department staff. At a minimum, the comparative evaluation must address the demographic and socioeconomic characteristics of the students served, the types and costs of services provided, and the outcomes achieved. By December 30 of each year, the Commissioner of Education shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.

Section 100. Section 1002.35, Florida Statutes, is created to read:

1002.35 New World School of the Arts.--

(1) The New World School of the Arts is created as a

1 center of excellence for the performing and visual arts, to
2 serve all of the State of Florida. The school shall offer a
3 program of academic and artistic studies in the visual and
4 performing arts which shall be available to talented high
5 school and college students.
6 (2)(a) For purposes of governance, the New World
7 School of the Arts is assigned to Miami-Dade Community
8 College, the Dade County School District, and one or more
9 universities designated by the State Board of Education. The
10 State Board of Education shall assign to the New World School
11 of the Arts a university partner or partners. In this
12 selection, the State Board of Education shall consider the
13 accreditation status of the core programs. Florida
14 International University, in its capacity as the provider of
15 university services to Dade County, shall be a partner to
16 serve the New World School of the Arts, upon meeting the
17 accreditation criteria. The respective boards shall appoint
18 members to an executive board for administration of the
19 school. The executive board may include community members and
20 shall reflect proportionately the participating institutions.
21 Miami-Dade Community College shall serve as fiscal agent for
22 the school.
23 (b) The New World School of the Arts Foundation is
24 created for the purpose of providing auxiliary financial
25 support for the school's programs, including, but not limited
26 to, the promotion and sponsorship of special events and
27 scholarships. Foundation membership shall be determined by the
28 executive board.
29 (c) The school may affiliate with other public or
30 private educational or arts institutions. The school shall
31 serve as a professional school for all qualified students

1 within appropriations and limitations established by the
2 Legislature and the respective educational institutions.
3 (3) The school shall submit annually a formula-driven
4 budget request to the commissioner and the Legislature. This
5 formula shall be developed in consultation with the Department
6 of Education and staff of the Legislature. However, the actual
7 funding for the school shall be determined by the Legislature
8 in the General Appropriations Act.
9 (4) The State Board of Education shall utilize
10 resources, programs, and faculty from the various state
11 universities in planning and providing the curriculum and
12 courses at the New World School of the Arts, drawing on
13 program strengths at each state university.
14 Section 101. Section 1002.36, Florida Statutes, is
15 created to read:
16 1002.36 Florida School for the Deaf and the Blind.--
17 (1) RESPONSIBILITIES.--The Florida School for the Deaf
18 and the Blind is a state-supported residential school for
19 hearing-impaired and visually impaired students in preschool
20 through 12th grade. The school is a part of the state system
21 of public education and shall be funded through the Department
22 of Education. The school shall provide educational programs
23 and support services appropriate to meet the education and
24 related evaluation and counseling needs of hearing-impaired
25 and visually impaired students in the state who meet
26 enrollment criteria. Education services may be provided on an
27 outreach basis for sensory-impaired children ages 0 through 5
28 years and their parents. Graduates of the Florida School for
29 the Deaf and the Blind shall be eligible for the William L.
30 Boyd, IV, Florida Resident Access Grant Program as provided in
31 s. 1009.89.

(2) MISSION.--The mission of the Florida School for the Deaf and the Blind is to utilize all available talent, energy, and resources to provide free appropriate public education for eligible sensory-impaired students of Florida. As a school of academic excellence, the school shall strive to provide students an opportunity to maximize their individual potential in a caring, safe, unique learning environment to prepare them to be literate, employable, and independent lifelong learners. The school shall provide outreach services that include collaboration with district school boards and shall encourage input from students, staff, parents, and the community. As a diverse organization, the school shall foster respect and understanding for each individual.

(3) AUDITS.--The Auditor General shall audit the Florida School for the Deaf and the Blind as provided in chapter 11.

(4) BOARD OF TRUSTEES.--

(a) There is hereby created a Board of Trustees for the Florida School for the Deaf and the Blind which shall consist of seven members. Of these seven members, one appointee shall be a blind person and one appointee shall be a deaf person. Each member shall have been a resident of the state for a period of at least 10 years. Their terms of office shall be 4 years. The appointment of the trustees shall be by the Governor with the confirmation of the Senate. The Governor may remove any member for cause and shall fill all vacancies that occur.

(b) The board of trustees shall elect a chair annually. The trustees shall be reimbursed for travel expenses as provided in s. 112.061, the accounts of which shall be paid by the Treasurer upon itemized vouchers duly approved by the

1 chair.
2 (c) The board of trustees has authority to adopt rules
3 pursuant to ss. 120.536(1) and 120.54 to implement provisions
4 of law relating to operation of the Florida School for the
5 Deaf and the Blind. Such rules shall be submitted to the State
6 Board of Education for approval or disapproval. If any rule is
7 not disapproved by the State Board of Education within 60 days
8 of its receipt by the State Board of Education, the rule shall
9 be filed immediately with the Department of State. The board
10 of trustees shall act at all times in conjunction with the
11 rules of the State Board of Education.
12 (d) The board of trustees is a body corporate and
13 shall have a corporate seal. Title to any gift, donation, or
14 bequest received by the board of trustees pursuant to
15 subsection (5) shall vest in the board of trustees. Title to
16 all other property and other assets of the Florida School for
17 the Deaf and the Blind shall vest in the State Board of
18 Education, but the board of trustees shall have complete
19 jurisdiction over the management of the school and is invested
20 with full power and authority to appoint a president, faculty,
21 teachers, and other employees and remove the same as in its
22 judgment may be best and fix their compensation; to procure
23 professional services, such as medical, mental health,
24 architectural, engineering, and legal services; to determine
25 eligibility of students and procedure for admission; to
26 provide for the students of the school necessary bedding,
27 clothing, food, and medical attendance and such other things
28 as may be proper for the health and comfort of the students
29 without cost to their parents, except that the board of
30 trustees may set tuition and other fees for nonresidents; to
31 provide for the proper keeping of accounts and records and for

budgeting of funds; to enter into contracts; to sue and be sued; to secure public liability insurance; and to do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible, the board of trustees taking into consideration the purposes of the establishment.

(e)1. The board of trustees is authorized to receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity. However, the board of trustees may not obligate the state to any expenditure or policy that is not specifically authorized by law.

2. If the bill of sale, will, trust indenture, deed, or other legal conveyance specifies terms and conditions concerning the use of such money or property, the board of trustees shall observe such terms and conditions.

3. The board of trustees may deposit outside the State Treasury such moneys as are received as gifts, donations, or bequests and may disburse and expend such moneys, upon its own warrant, for the use and benefit of the Florida School for the Deaf and the Blind and its students, as the board of trustees deems to be in the best interest of the school and its students. Such money or property shall not constitute or be considered a part of any legislative appropriation, and such money shall not be used to compensate any person for engaging in lobbying activities before the House of Representatives or Senate or any committee thereof.

4. The board of trustees may sell or convey by bill of sale, deed, or other legal instrument any property, real or personal, received as a gift, donation, or bequest, upon such

terms and conditions as the board of trustees deems to be in the best interest of the school and its students.

5. The board of trustees may invest such moneys in securities enumerated under s. 215.47, and in The Common Fund, an Investment Management Fund exclusively for nonprofit educational institutions.

(f) The board of trustees shall:

1. Prepare and submit legislative budget requests, including fixed capital outlay requests, in accordance with chapter 216 and s. 1013.60.

2. Administer and maintain personnel programs for all employees of the board of trustees and the Florida School for the Deaf and the Blind who shall be state employees, including the personnel classification and pay plan established in accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for academic and academic administrative personnel, the provisions of chapter 110, and the provisions of law that grant authority to the Department of Management Services over such programs for state employees.

3. Adopt a master plan which specifies the mission and objectives of the Florida School for the Deaf and the Blind. The plan shall include, but not be limited to, procedures for systematically measuring the school's progress toward meeting its objectives, analyzing changes in the student population, and modifying school programs and services to respond to such changes. The plan shall be for a period of 5 years and shall be reviewed for needed modifications every 2 years. The board of trustees shall submit the initial plan and subsequent modifications to the Speaker of the House of Representatives and the President of the Senate.

4. Seek the advice of the Division of Public Schools

1 within the Department of Education.
2 (g) The Board of Trustees for the Florida School for
3 the Deaf and the Blind, located in St. Johns County, shall
4 designate a portion of the school as "The Verle Allyn Pope
5 Complex for the Deaf," in tribute to the late Senator Verle
6 Allyn Pope.
7 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
8 of Trustees for the Florida School for the Deaf and the Blind
9 shall provide for the content and custody of student and
10 employee personnel records. Student records shall be subject
11 to the provisions of s. 1002.22. Employee personnel records
12 shall be subject to the provisions of s. 1012.31.
13 (6) LEGAL SERVICES.--The Board of Trustees for the
14 Florida School for the Deaf and the Blind may provide legal
15 services for officers and employees of the board of trustees
16 who are charged with civil or criminal actions arising out of
17 and in the course of the performance of assigned duties and
18 responsibilities. The board of trustees may provide for
19 reimbursement of reasonable expenses for legal services for
20 officers and employees of said board of trustees who are
21 charged with civil or criminal actions arising out of and in
22 the course of the performance of assigned duties and
23 responsibilities upon successful defense by the officer or
24 employee. However, in any case in which the officer or
25 employee pleads guilty or nolo contendere or is found guilty
26 of any such action, the officer or employee shall reimburse
27 the board of trustees for any legal services that the board of
28 trustees may have supplied pursuant to this section. The
29 board of trustees may also reimburse an officer or employee
30 thereof for any judgment that may be entered against him or
31 her in a civil action arising out of and in the course of the

performance of his or her assigned duties and responsibilities. Each expenditure by the board of trustees for legal defense of an officer or employee, or for reimbursement pursuant to this section, shall be made at a public meeting with notice pursuant to s. 120.525(1). The providing of such legal services or reimbursement under the conditions described in this subsection is declared to be a school purpose for which school funds may be expended.

(7) PERSONNEL SCREENING.--

(a) The Board of Trustees of the Florida School for the Deaf and the Blind shall, because of the special trust or responsibility of employees of the school, require all employees and applicants for employment to undergo personnel screening and security background investigations as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, as a condition of employment and continued employment. The cost of a personnel screening and security background investigation for an employee of the school shall be paid by the school. The cost of such a screening and investigation for an applicant for employment may be paid by the school.

(b) As a prerequisite for initial and continuing employment at the Florida School for the Deaf and the Blind:

1. The applicant or employee shall submit to the Florida School for the Deaf and the Blind a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the Florida School for the Deaf and the Blind who is trained to take fingerprints. The Florida School for the Deaf and the Blind shall submit the fingerprints to the Department of Law Enforcement for state processing and the Federal Bureau of Investigation for federal processing.

2.a. The applicant or employee shall attest to the minimum standards for good moral character as contained in chapter 435, using the level 2 standards set forth in that chapter under penalty of perjury.

b. New personnel shall be on a probationary status pending a determination of compliance with such minimum standards for good moral character. This paragraph is in addition to any probationary status provided for by Florida law or Florida School for the Deaf and the Blind rules or collective bargaining contracts.

3. The Florida School for the Deaf and the Blind shall review the record of the applicant or employee with respect to the crimes contained in s. 435.04 and shall notify the applicant or employee of its findings. When disposition information is missing on a criminal record, it shall be the responsibility of the applicant or employee, upon request of the Florida School for the Deaf and the Blind, to obtain and supply within 30 days the missing disposition information to the Florida School for the Deaf and the Blind. Failure to supply missing information within 30 days or to show reasonable efforts to obtain such information shall result in automatic disqualification of an applicant and automatic termination of an employee.

4. After an initial personnel screening and security background investigation, written notification shall be given to the affected employee within a reasonable time prior to any subsequent screening and investigation.

(c) The Florida School for the Deaf and the Blind may grant exemptions from disqualification as provided in s. 435.07.

(d) The Florida School for the Deaf and the Blind may

not use the criminal records, private investigator findings, or information reference checks obtained by the school pursuant to this section for any purpose other than determining if a person meets the minimum standards for good moral character for personnel employed by the school. The criminal records, private investigator findings, and information from reference checks obtained by the Florida School for the Deaf and the Blind for determining the moral character of employees of the school are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(e) It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully, knowingly, or intentionally to:

1. Fail, by false statement, misrepresentation, impersonation, or other fraudulent means, to disclose in any application for voluntary or paid employment a material fact used in making a determination as to such person's qualifications for a position of special trust.

2. Use the criminal records, private investigator findings, or information from reference checks obtained under this section or information obtained from such records or findings for purposes other than screening for employment or release such information or records to persons for purposes other than screening for employment.

(f) For the purpose of teacher certification, the Florida School for the Deaf and the Blind shall be considered a school district.

(8) CAMPUS POLICE.--

(a) The Board of Trustees for the Florida School for the Deaf and the Blind is permitted and empowered to employ

1 police officers for the school, who must be designated Florida
2 School for the Deaf and the Blind campus police.
3 (b) Each Florida School for the Deaf and the Blind
4 campus police officer is a law enforcement officer of the
5 state and a conservator of the peace who has the authority to
6 arrest, in accordance with the laws of this state, any person
7 for a violation of state law or applicable county or municipal
8 ordinance if that violation occurs on or in any property or
9 facilities of the school. A campus police officer may also
10 arrest a person off campus for a violation committed on campus
11 after a hot pursuit of that person which began on campus. A
12 campus police officer shall have full authority to bear arms
13 in the performance of the officer's duties and carry out a
14 search pursuant to a search warrant on the campus. Florida
15 School for the Deaf and the Blind campus police, upon request
16 of the sheriff or local police authority, may serve subpoenas
17 or other legal process and may make arrests of persons against
18 whom arrest warrants have been issued or against whom charges
19 have been made for violations of federal or state laws or
20 county or municipal ordinances.
21 (c) The campus police shall promptly deliver all
22 persons arrested and charged with felonies to the sheriff of
23 the county within which the school is located and all persons
24 arrested and charged with misdemeanors to the applicable
25 authority as provided by law, but otherwise to the sheriff of
26 the county in which the school is located.
27 (d) The campus police must meet the minimum standards
28 established by the Criminal Justice Standards and Training
29 Commission of the Department of Law Enforcement and chapter
30 943 for law enforcement officers. Each campus police officer
31 must, before entering into the performance of the officer's

duties, take the oath of office established by the board of trustees. The board of trustees may obtain and approve a bond on each campus police officer, conditioned upon the officer's faithful performance of the officer's duties, which bond must be payable to the Governor. The board of trustees may determine the amount of the bond. In determining the amount of the bond, the board may consider the amount of money or property likely to be in the custody of the officer at any one time. The board of trustees must provide a uniform set of identifying credentials to each campus police officer it employs.

(e) In performance of any of the powers, duties, and functions authorized by law, campus police have the same rights, protections, and immunities afforded other law enforcement officers.

(f) The board of trustees shall adopt rules, including, without limitation, rules for the appointment, employment, and removal of campus police in accordance with the State Career Service System and shall establish in writing a policy manual, that includes, without limitation, procedures for managing routine law enforcement situations and emergency law enforcement situations. The board of trustees shall furnish a copy of the policy manual to each of the campus police officers it employs. A campus police officer appointed by the board of trustees must have completed the training required by the school in the special needs and proper procedures for dealing with students served by the school.

(9) REPORT OF CAMPUS CRIME STATISTICS.--

(a) The school shall prepare an annual report of statistics of crimes committed on its campus and shall submit the report to the board of trustees and the Commissioner of

Education. The data for these reports may be taken from the annual report of the Department of Law Enforcement. The board of trustees shall prescribe the form for submission of these reports.

(b) The school shall prepare annually a report of statistics of crimes committed on its campus for the preceding 3 years. The school shall give students and prospective students notice that this report is available upon request.

Section 102. Section 1002.37, Florida Statutes, is created to read:

1002.37 The Florida Virtual School.--

(1)(a) The Florida Virtual School is established for the development and delivery of on-line and distance learning education and shall be administratively housed within the Commissioner of Education's Office of Technology and Information Services. The Commissioner of Education shall monitor the school's performance and report its performance to the State Board of Education and the Legislature.

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve any student in the state who meets the profile for success in this educational delivery context and shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

(c) To ensure students are informed of the

1 opportunities offered by the Florida Virtual School, the
2 commissioner shall provide the board of trustees of the
3 Florida Virtual School access to the records of public school
4 students in a format prescribed by the board of trustees.
5
6 The board of trustees of the Florida Virtual School shall
7 identify appropriate performance measures and standards based
8 on student achievement that reflect the school's statutory
9 mission and priorities, and shall implement an accountability
10 system for the school that includes assessment of its
11 effectiveness and efficiency in providing quality services
12 that encourage high student achievement, seamless
13 articulation, and maximum access.
14 (2) The Florida Virtual School shall be governed by a
15 board of trustees comprised of seven members appointed by the
16 Governor to 4-year staggered terms. The board of trustees
17 shall be a public agency entitled to sovereign immunity
18 pursuant to s. 768.28, and board members shall be public
19 officers who shall bear fiduciary responsibility for the
20 Florida Virtual School. The board of trustees shall have the
21 following powers and duties:
22 (a)1. The board of trustees shall meet at least 4
23 times each year, upon the call of the chair, or at the request
24 of a majority of the membership.
25 2. The fiscal year for the Florida Virtual School
26 shall be the state fiscal year as provided in s.
27 216.011(1)(o).
28 (b) The board of trustees shall be responsible for the
29 Florida Virtual School's development of a state-of-the-art
30 technology-based education delivery system that is
31 cost-effective, educationally sound, marketable, and capable

of sustaining a self-sufficient delivery system through the Florida Education Finance Program, by fiscal year 2003-2004. The school shall collect and report data for all students served and credit awarded. This data shall be segregated by private, public, and home education students by program. Information shall also be collected that reflects any other school in which a virtual school student is enrolled.

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be used to support the school's marketing and research and development activities in order to improve courseware and services to its students.

(d) The board of trustees shall annually prepare and submit to the State Board of Education a legislative budget request, including funding requests for computers for public school students who do not have access to public school computers, in accordance with chapter 216 and s. 1013.60. The legislative budget request of the Florida Virtual School shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. Nothing in this section shall be construed to guarantee a computer to any individual student.

1 (e) In accordance with law and rules of the State
2 Board of Education, the board of trustees shall administer and
3 maintain personnel programs for all employees of the board of
4 trustees and the Florida Virtual School. The board of trustees
5 may adopt rules, policies, and procedures related to the
6 appointment, employment, and removal of personnel.
7 1. The board of trustees shall determine the
8 compensation, including salaries and fringe benefits, and
9 other conditions of employment for such personnel.
10 2. The board of trustees may establish and maintain a
11 personnel loan or exchange program by which persons employed
12 by the board of trustees for the Florida Virtual School as
13 academic administrative and instructional staff may be loaned
14 to, or exchanged with persons employed in like capacities by,
15 public agencies either within or without this state, or by
16 private industry. With respect to public agency employees, the
17 program authorized by this subparagraph shall be consistent
18 with the requirements of part II of chapter 112. The salary
19 and benefits of board of trustees personnel participating in
20 the loan or exchange program shall be continued during the
21 period of time they participate in a loan or exchange program,
22 and such personnel shall be deemed to have no break in
23 creditable or continuous service or employment during such
24 time. The salary and benefits of persons participating in the
25 personnel loan or exchange program who are employed by public
26 agencies or private industry shall be paid by the originating
27 employers of those participants, and such personnel shall be
28 deemed to have no break in creditable or continuous service or
29 employment during such time.
30 3. The employment of all Florida Virtual School
31 academic administrative and instructional personnel shall be

subject to rejection for cause by the board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an academic administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by rules of the board of trustees.

5. All employees except temporary, seasonal, and student employees may be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption. In the event that the board of trustees assumes responsibility for governance pursuant to this section before approval is obtained, employees shall be compensated pursuant to the system in effect for the employees of the fiscal agent.

(f) The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).

(g) The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School. Such procedures shall be designed to minimize paperwork and fairly resolve the issue of double funding students taking courses online.

(h) The board of trustees shall annually submit to the

1 State Board of Education both forecasted and actual
2 enrollments for the Florida Virtual School, according to
3 procedures established by the State Board of Education. At a
4 minimum, such procedures must include the number of public,
5 private, and home education students served by district.
6 (i) The board of trustees shall provide for the
7 content and custody of student and employee personnel records.
8 Student records shall be subject to the provisions of s.
9 1002.22. Employee records shall be subject to the provisions
10 of s. 1012.31.
11 (j) The financial records and accounts of the Florida
12 Virtual School shall be maintained under the direction of the
13 board of trustees and under rules adopted by the State Board
14 of Education for the uniform system of financial records and
15 accounts for the schools of the state.
16
17 The Governor shall designate the initial chair of the board of
18 trustees to serve a term of 4 years. Members of the board of
19 trustees shall serve without compensation, but may be
20 reimbursed for per diem and travel expenses pursuant to s.
21 112.061. The board of trustees shall be a body corporate with
22 all the powers of a body corporate and such authority as is
23 needed for the proper operation and improvement of the Florida
24 Virtual School. The board of trustees is specifically
25 authorized to adopt rules, policies, and procedures,
26 consistent with law and rules of the State Board of Education
27 related to governance, personnel, budget and finance,
28 administration, programs, curriculum and instruction, travel
29 and purchasing, technology, students, contracts and grants,
30 and property as necessary for optimal, efficient operation of
31 the Florida Virtual School. Tangible personal property owned

by the board of trustees shall be subject to the provisions of chapter 273.

(3)(a) Until fiscal year 2003-2004, the Commissioner of Education shall include the Florida Virtual School as a grant-in-aid appropriation in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature, subject to any guidelines imposed in the General Appropriations Act.

(b) The Orange County District School Board shall be the temporary fiscal agent of the Florida Virtual School.

(4) Under no circumstance may the credit of the state be pledged on behalf of the Florida Virtual School.

(5) The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School.

(b) The marketing and operational plan for the Florida Virtual School, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School at the end of the fiscal year.

(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.

(e) Recommendations regarding the unit cost of providing services to students. In order to most effectively develop public policy regarding any future funding of the

Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.

(f) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School.

(6) The State Board of Education may adopt rules it deems necessary to implement reporting requirements for the Florida Virtual School.

Section 103. Section 1002.38, Florida Statutes, is created to read:

1002.38 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 a uniform, safe, secure, efficient, and high-quality system which allows the opportunity to obtain a high-quality education. The Legislature further finds that a student should not be compelled, against the wishes of the student's parent, to remain in a school found by the state to be failing for 2 years in a 4-year period. The Legislature shall make available opportunity scholarships in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school when the parent 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.--A public school student's parent may request and receive from the state an opportunity scholarship for the student to enroll in and attend a private school in accordance with the provisions of this section if:

(a)1. 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. 1008.34 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;

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

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

(b) The parent 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.

The provisions of this section shall not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student returns to a public school or, if the student chooses to attend a private school the highest grade of which is grade 8, until the student matriculates to high school and the public high school to which the student is assigned is an accredited school with a performance grade category designation of "C" or better. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent may remove the student from the private school and place the student in a public school, as provided in subparagraph (3)(a)2.

(3) SCHOOL DISTRICT OBLIGATIONS.--

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

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

2. Offer that student's parent an opportunity to enroll the student in the public school within the district that has been designated by the state pursuant to s. 1008.34 as a school performing higher than that in which the student is currently enrolled or to which the student has been

assigned, but not less than performance grade category "C." The parent is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(b) The parent of a student enrolled in or assigned to a school that has been designated performance grade category "F" for 2 school years in a 4-year period may choose as an alternative to enroll the student in and transport the student to a higher-performing public school that has available space in an adjacent school district, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(c) For students in the school district who are participating in the state Opportunity Scholarship Program, the school district shall provide locations and times to take all statewide assessments required pursuant to s. 1008.22.

(d) Students with disabilities who are eligible to receive services from the school district under federal or state law, and who participate in this program, remain eligible to receive services from the school district as provided by federal or state law.

(e) If for any reason a qualified private school is not available for the student or if the parent chooses to request that the student be enrolled in the higher performing public school, rather than choosing to request the state opportunity scholarship, transportation costs to the higher performing public school shall be the responsibility of the school district. The district may utilize state categorical

transportation funds or state-appropriated public school choice incentive funds for this purpose.

(4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to participate in the Opportunity Scholarship Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the opportunity scholarship funds for any quarter may be filed with the department.

(b) Notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the grade levels and services that the private school has available for the Opportunity Scholarship Program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and codes.

(e) Accept scholarship students on an entirely random and religious-neutral basis without regard to the student's past academic history; however, the private school may give

preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis.

(f) Be subject to the instruction, curriculum, and attendance criteria adopted by an appropriate nonpublic school accrediting body and be academically accountable to the parent for meeting the educational needs of the student. The private school must furnish a school profile which includes student performance.

(g) Employ or contract with teachers who hold a baccalaureate or higher degree, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(h) Comply with all state statutes relating to private schools.

(i) Accept as full tuition and fees the amount provided by the state for each student.

(j) Agree not to compel any student attending the private school on an opportunity scholarship to profess a specific ideological belief, to pray, or to worship.

(k) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of any opportunity scholarship student.

(5) OBLIGATION OF PROGRAM PARTICIPATION.--

(a) Any student participating in the Opportunity Scholarship Program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(b) The parent of each student participating in the

Opportunity Scholarship Program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

(c) The parent shall ensure that the student participating in the Opportunity Scholarship Program takes all statewide assessments required pursuant to s. 1008.22.

(d) A participant who fails to comply with this subsection shall forfeit the opportunity scholarship.

(6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

(a) The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential. In addition, the calculated amount shall include the per-student share of instructional materials funds, technology funds, and other categorical funds as provided for this purpose in the General Appropriations Act.

(b) The amount of the opportunity scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. Fees eligible shall include textbook fees, lab fees, and other fees related to instruction, including transportation.

(c) The school district shall report all students who are attending a private school under this program. The students attending private schools on opportunity scholarships shall be reported separately from those students reported for purposes of the Florida Education Finance Program.

(d) The public or private school that provides

1 services to students with disabilities shall receive the
2 weighted funding for such services at the appropriate funding
3 level consistent with the provisions of s. 1011.62(1)(e).
4 (e) For purposes of calculating the opportunity
5 scholarship, a student will be eligible for the amount of the
6 appropriate basic cost factor if:
7 1. The student currently participates in a Group I
8 program funded at the basic cost factor and is not
9 subsequently identified as having a disability; or
10 2. The student currently participates in a Group II
11 program and the parent has chosen a private school that does
12 not provide the additional services funded by the Group II
13 program.
14 (f) Following annual notification on July 1 of the
15 number of participants, the Department of Education shall
16 transfer from each school district's appropriated funds the
17 calculated amount from the Florida Education Finance Program
18 and authorized categorical accounts to a separate account for
19 the Opportunity Scholarship Program for quarterly disbursement
20 to the parents of participating students.
21 (g) Upon proper documentation reviewed and approved by
22 the Department of Education, the Comptroller shall make
23 opportunity scholarship payments in four equal amounts no
24 later than September 1, November 1, February 1, and April 1 of
25 each academic year in which the opportunity scholarship is in
26 force. The initial payment shall be made after Department of
27 Education verification of admission acceptance, and subsequent
28 payments shall be made upon verification of continued
29 enrollment and attendance at the private school. Payment must
30 be by individual warrant made payable to the student's parent
31 and mailed by the Department of Education to the private

school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.

(7) LIABILITY.--No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

(8) RULES.--The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section. Rules shall include penalties for noncompliance with subsections (3) and (5). However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 104. Section 1002.39, Florida Statutes, is created to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.--There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program, pursuant to this section.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.--The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with rules of the State Board of Education. Students with disabilities include K-12 students who are mentally

handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.

(2) SCHOLARSHIP ELIGIBILITY.--The parent of a public school student with a disability who is dissatisfied with the student's progress may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with 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 Florida public school. Prior school year in attendance means that the student was enrolled and reported by a school district for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12.

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (4) and has notified the school district of the request for a scholarship at least 60 days prior to the date of the first scholarship payment. The parental notification must be through a communication directly to the district or through the Department of Education to the district in a manner that creates a written or electronic record of the notification and the date of receipt of the notification.

This section does not apply to a student who is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs. For purposes of continuity of educational choice,

the scholarship shall remain in force until the student returns to a public school or graduates from high school. However, at any time, the student's parent may remove the student from the private school and place the student in another private school that is eligible for the program under subsection (4) or in a public school as provided in subsection (3).

(3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION OBLIGATIONS.--

(a) A school district shall timely notify the parent of the student of all options available pursuant to this section and offer that student's parent an opportunity to enroll the student in another public school within the district. The parent is not required to accept this offer in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school. If the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, the school district shall provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the district school board's choice plan under s. 1002.31.

(b) For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year. The school district must complete the matrix of services for any student who is participating in the

John M. McKay Scholarships for Students with Disabilities Program and must notify the Department of Education of the student's matrix level within 30 days after receiving notification by the student's parent of intent to participate in the scholarship program. The Department of Education shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level. Within 10 school days after it receives notification of a parent's intent to apply for a McKay Scholarship, a district school board must notify the student's parent if the matrix has not been completed and provide the parent with the date for completion of the matrix required in this paragraph.

(c) If the parent chooses the private school option and the student is accepted by the private school pending the availability of a space for the student, the parent of the student must notify the school district 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(d) The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(e) For a student in the district who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the

statewide assessments under s. 1008.22, the district shall provide locations and times to take all statewide assessments.

(f) A school district must notify the Department of Education within 10 days after it receives notification of a parent's intent to apply for a scholarship for a student with a disability. A school district must provide the student's parent with the student's matrix level within 10 school days after its completion.

(4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school must be a Florida private school, may be sectarian or nonsectarian, and must:

(a) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured and the owner or owners have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the department.

(b) Notify the Department of Education of its intent to participate in the program under this section. The notice must specify the grade levels and services that the private school has available for students with disabilities who are participating in the scholarship program.

(c) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(d) Meet state and local health and safety laws and

1 codes.
2 (e) Be academically accountable to the parent for
3 meeting the educational needs of the student.
4 (f) Employ or contract with teachers who hold
5 baccalaureate or higher degrees, or have at least 3 years of
6 teaching experience in public or private schools, or have
7 special skills, knowledge, or expertise that qualifies them to
8 provide instruction in subjects taught.
9 (g) Comply with all state laws relating to general
10 regulation of private schools.
11 (h) Adhere to the tenets of its published disciplinary
12 procedures prior to the expulsion of a scholarship student.
13 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--
14 (a) A parent who applies for a John M. McKay
15 Scholarship is exercising his or her parental option to place
16 his or her child in a private school. The parent must select
17 the private school and apply for the admission of his or her
18 child.
19 (b) The parent must have requested the scholarship at
20 least 60 days prior to the date of the first scholarship
21 payment.
22 (c) Any student participating in the scholarship
23 program must remain in attendance throughout the school year,
24 unless excused by the school for illness or other good cause,
25 and must comply fully with the school's code of conduct.
26 (d) The parent of each student participating in the
27 scholarship program must comply fully with the private
28 school's parental involvement requirements, unless excused by
29 the school for illness or other good cause.
30 (e) If the parent requests that the student
31 participating in the scholarship program take all statewide

assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school.

(g) A participant who fails to comply with this subsection forfeits the scholarship.

(6) SCHOLARSHIP FUNDING AND PAYMENT.--

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be a calculated amount equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the calculated amount. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraph 3., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. Also, the calculated amount shall include the per-student share of supplemental

academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided for such purposes in the General Appropriations Act.

3. Until the school district completes the matrix required by paragraph (3)(b), the calculation shall be based on the matrix that assigns the student to support level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment shall be adjusted as needed.

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c) If the participating private school requires partial payment of tuition prior to the start of the academic year to reserve space for students admitted to the school, that partial payment may be paid by the Department of Education prior to the first quarterly payment of the year in which the John M. McKay Scholarship is awarded, up to a maximum of $1,000, and deducted from subsequent scholarship payments. If a student decides not to attend the participating private school, the partial reservation payment must be returned to the Department of Education by the participating private school. There is a limit of one reservation payment per student per year.

(d) The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported separately from other students reported for purposes of the Florida Education

1 Finance Program.
2 (e) Following notification on July 1, September 1,
3 December 1, or February 1 of the number of program
4 participants, the Department of Education shall transfer, from
5 General Revenue funds only, the amount calculated under
6 paragraph (b) from the school district's total funding
7 entitlement under the Florida Education Finance Program and
8 from authorized categorical accounts to a separate account for
9 the scholarship program for quarterly disbursement to the
10 parents of participating students. When a student enters the
11 scholarship program, the Department of Education must receive
12 all documentation required for the student's participation,
13 including the private school's and student's fee schedules, at
14 least 30 days before the first quarterly scholarship payment
15 is made for the student. The Department of Education may not
16 make any retroactive payments.
17 (f) Upon proper documentation reviewed and approved by
18 the Department of Education, the Comptroller shall make
19 scholarship payments in four equal amounts no later than
20 September 1, November 1, February 1, and April 15 of each
21 academic year in which the scholarship is in force. The
22 initial payment shall be made after Department of Education
23 verification of admission acceptance, and subsequent payments
24 shall be made upon verification of continued enrollment and
25 attendance at the private school. Payment must be by
26 individual warrant made payable to the student's parent and
27 mailed by the Department of Education to the private school of
28 the parent's choice, and the parent shall restrictively
29 endorse the warrant to the private school for deposit into the
30 account of the private school.
31 (7) LIABILITY.--No liability shall arise on the part

of the state based on the award or use of a John M. McKay Scholarship.

(8) RULES.--The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. However, the inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

Section 105. Part IV of chapter 1002, Florida Statutes, shall be entitled "Home Education, Private Schools, Other Education Options" and shall consist of ss. 1002.41-1002.43.

Section 106. Section 1002.41, Florida Statutes, is created to read:

1002.41 Home education programs.--

(1) A "home education program" is defined in s. 1002.01. The parent is not required to hold a valid regular Florida teaching certificate.

(a) The parent shall notify the district school superintendent of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the district school superintendent's office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in

the district school superintendent's office within 30 days after said termination.

(b) The parent shall maintain a portfolio of records and materials. The portfolio shall consist of the following:

1. A log of educational activities that is made contemporaneously with the instruction and that designates by title any reading materials used.

2. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.

The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the district school superintendent, or the district school superintendent's agent, upon 15 days' written notice. Nothing in this section shall require the district school superintendent to inspect the portfolio.

(c) The parent shall provide for an annual educational evaluation in which is documented the student's demonstration of educational progress at a level commensurate with her or his ability. The parent shall select the method of evaluation and shall file a copy of the evaluation annually with the district school superintendent's office in the county in which the student resides. The annual educational evaluation shall consist of one of the following:

1. A teacher selected by the parent shall evaluate the student's educational progress upon review of the portfolio and discussion with the student. Such teacher shall hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level;

2. The student shall take any nationally normed student achievement test administered by a certified teacher;

3. The student shall take a state student assessment test used by the school district and administered by a certified teacher, at a location and under testing conditions approved by the school district;

4. The student shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. 490.003(7) or (8); or

5. The student shall be evaluated with any other valid measurement tool as mutually agreed upon by the district school superintendent of the district in which the student resides and the student's parent.

(2) The district school superintendent shall review and accept the results of the annual educational evaluation of the student in a home education program. If the student does not demonstrate educational progress at a level commensurate with her or his ability, the district school superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the student. At the end of the 1-year probationary period, the student shall be reevaluated as specified in paragraph (1)(c). Continuation in a home education program shall be contingent upon the student demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

(3) A home education program shall be excluded from meeting the requirements of a school day.

(4) Home education students may participate in interscholastic extracurricular student activities in accordance with the provisions of s. 1006.15.

(5) Home education students may participate in the

Bright Futures Scholarship Program in accordance with the provisions of ss. 1009.53-1009.539.

(6) Home education students may participate in dual enrollment programs in accordance with the provisions of s. 1007.27(4) and 1007.271(10).

(7) Home education students are eligible for admission to community colleges in accordance with the provisions of s. 1007.263.

(8) Home education students are eligible for admission to state universities in accordance with the provisions of s. 1007.261.

(9) Home education program students may receive testing and evaluation services at diagnostic and resource centers, in accordance with the provisions of s. 1006.03.

Section 107. Section 1002.42, Florida Statutes, is created to read:

1002.42 Private schools.--

(1) DEFINITION.--A "private school" is defined in s. 1002.01.

(2) ANNUAL PRIVATE SCHOOL SURVEY.--

(a) The Department of Education shall organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There shall be included in the database of each institution the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career and technical education and exceptional child education); the number of graduates; the number of instructional and administrative personnel; the number of days the school is in session; and such data as may be needed to

meet the provisions of this section and s. 1003.23(2).

(b) For the purpose of organizing, maintaining, and updating this database, each private school shall annually execute and file a database survey form on a date designated by the Department of Education which shall include a notarized statement ascertaining that the owner of the private school has complied with the provisions of paragraph (c). For the purpose of this section, "owner" means any individual who is the chief administrative officer of a private school.

(c)1. Notwithstanding the provisions of paragraph (h), each person who is an owner or who establishes, purchases, or otherwise becomes an owner of a private school shall, within 5 days of assuming ownership of a school, file with the Department of Law Enforcement a complete set of fingerprints for state processing and checking for criminal background. The fingerprints shall be taken by an authorized law enforcement officer or an employee of the school who is trained to take fingerprints. The costs of fingerprinting, criminal records checking, and processing shall be borne by the applicant or private school. The result of the criminal records checking by the Department of Law Enforcement shall be forwarded to the owner of the private school and shall be made available for public inspection in the private school office as soon as it is received.

2. It shall be unlawful for a person who has been convicted of a crime involving moral turpitude to own or operate a private school.

3. An owner of a private school may require school employees to file a complete set of fingerprints with the Department of Law Enforcement for processing and criminal records checking. Findings from such processing and checking

shall be reported to the owner for use in employment decisions.

4. Owners or employees of private schools who have been fingerprinted pursuant to this paragraph, s. 1012.32, or s. 402.3055 shall not be required to be refingerprinted if they have not been unemployed or unassociated with a private school or child care facility for more than 90 days.

5. Persons holding a valid Florida teaching certificate who have been fingerprinted pursuant to s. 1012.35 shall not be required to comply with the provisions of this paragraph.

(d) The data inquiries to be included and answered in the survey required in paragraph (b) shall be limited to matters set forth in paragraph (a). The department shall furnish annually to each school sufficient copies of this form.

(e) To ensure completeness and accuracy of the database, each existing private educational institution falling within the provisions of this section shall notify the Department of Education of any change in the name of the institution, the address, or the chief administrative officer. Each new institution shall notify the department of its establishment.

(f) Annually, the department shall make accessible to the public data on private education in this state. Such data shall include that collected pursuant to paragraph (a) and from other sources.

(g) The failure of any institution to submit the annual database survey form and notarized statement of compliance with the provisions of paragraph (c), as required by this section, shall be judged a misdemeanor and, upon

conviction, proper authorities of such institution shall be subject to a fine not exceeding $500. Submission of data for a nonexistent school or an institution providing no instruction or training, the purpose of which is to defraud the public, is unlawful and the person or persons responsible commit a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Persons found to be in violation of subparagraph (c)2. commit a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(h) It is the intent of the Legislature not to regulate, control, approve, or accredit private educational institutions, but to create a database where current information may be obtained relative to the educational institutions in this state coming within the provisions of this section as a service to the public, to governmental agencies, and to other interested parties. It is not the intent of the Legislature to regulate, control, or monitor, expressly or implicitly, churches, their ministries, or religious instruction, freedoms, or rites. It is the intent of the Legislature that the annual submission of the database survey by a school shall not be used by that school to imply approval or accreditation by the Department of Education.

(3) RETENTION OF RECORDS.--

(a) As used in this subsection:

1. "Defunct private school" means any private school that has terminated the operation of an education or training program, or that has no students in attendance, or that has dissolved as a business entity.

2. "Student records" means those records, files, documents, and other materials that contain information

directly related to students that are maintained by a private school or by a person acting for such institution and that are accessible to other professional personnel to facilitate the instruction, guidance, and educational progress of students. Information contained in student records shall be classified as follows:

a. Permanent information, which includes verified information of clear educational importance, containing the following: student's full name and any known changes thereto due to marriage or adoption; authenticated birthdate, place of birth, race, and sex; last known address of student; names of student's parents; name and location of last school attended; number of days present and absent; date enrolled; date withdrawn; courses taken and record of achievement; and date of graduation or program achievement.

b. Temporary information, which includes verified information subject to change, containing, but not limited to, the following: health information, standardized test scores, honors and activities, personal attributes, work experience, teacher and counselor comments, and special reports.

(b) All private schools that become defunct shall transfer all permanent information contained in student records to the district school superintendent of the public school district in which the private school was located; or, if the private school is a member of a private school system or association, such school may transfer such records to the principal office of such system or association, which shall constitute full compliance with this subsection. In the event that such private school system or association becomes defunct, it shall transfer all the permanent information contained in its files to the district school superintendent

of the public school district in which the private school was located.

(c) All private schools that become defunct shall notify the Department of Education Office of Private Schools and Home Education Programs of the date of transfer of student records, the location of storage, the custodian of such records, and the number of records to be stored. The department shall act as a clearinghouse and maintain a registry of such transfers of student records.

(d) It is not the intent of the Legislature to limit or restrict the use or possession of any student records while a school is operational, but to facilitate access to academic records by former students seeking to continue their education or training after a private school has become defunct.

(4) ATTENDANCE RECORDS AND REPORTS.--All officials, teachers, and other employees in parochial, religious, denominational, and private schools shall keep and prepare records in accordance with the provisions of s. 1003.23(2).

(5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing authority of each private school shall require students to present a certification of a school-entry health examination in accordance with the provisions of s. 1003.22(1) and (2).

(6) IMMUNIZATIONS.--The governing authority of each private school shall require students to present a certification of immunization in accordance with the provisions of s. 1003.22(3)-(11).

(7) ATTENDANCE REQUIREMENTS.--Attendance of a student at a private, parochial, religious, or denominational school satisfies the attendance requirements of ss. 1003.01(14) and 1003.21(1).

(8) ATHLETIC COMPETITION.--A private school may

participate in athletic competition with a public high school in accordance with the provisions of s. 1006.20(1).

(9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department of Education may disseminate educational materials and sell copies for educational use to private schools pursuant to s. 1006.39.

(10) INSTRUCTIONAL MATERIALS.--District school boards may dispose of instructional materials when they become unserviceable or surplus or are no longer on state contract by giving them to a private school in accordance with the provisions of s. 1006.41.

(11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and resource centers may provide testing and evaluation services to private school students in accordance with the provisions of s. 1006.03(3).

(12) EXCEPTIONAL EDUCATION SERVICES.--District school boards may provide instruction for an appropriate program of special instruction, facilities, and services for exceptional students through contractual arrangements with approved private schools in accordance with the provisions of s. 1003.57.

(13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization of private schools that has no fewer than 10 member schools in this state may develop a professional development system to be filed with the Department of Education in accordance with the provisions of s. 1012.98(7).

(14) BUS DRIVER TRAINING.--Private school bus drivers may participate in a district school board's bus driver training program, if the district school board makes the program available pursuant to s. 1006.26.

(15) POOL PURCHASE OF SCHOOL BUSES.--

(a) Florida private schools that demonstrate a racially nondiscriminatory student admission policy may purchase school buses from the state pool purchase program as authorized in s. 1006.27(1), if the private school meets the following conditions:

1. Students in one or more grades, kindergarten through grade 12, are provided an education program by the school and the school has submitted the information required pursuant to this section and the most recent school survey required in subsection (2).

2. All conditions of the contracts for purchasing school buses between the Department of Education and the companies involved, including bus specifications, ordering deadlines, delivery period and procedures, and payment requirements, shall be met.

3. Purchase orders shall be made out to the appropriate company or companies involved and shall be accompanied by a certified check in the amount of 25 percent of the total cost of the bus or buses as a good faith deposit that the bus or buses will be purchased.

4. The remainder of the total cost shall be paid upon delivery of the bus or buses to the representative of the private school receiving the bus or buses, or shall be paid when the company informs the purchaser that the buses are ready for delivery if the purchaser has specified that buses are to be picked up at the company's location. If the chassis and the body are purchased from different companies, the remainder of the chassis' total cost shall be payable upon delivery of the chassis to the body manufacturer.

5. If the private school does not meet the obligation stated in subparagraph 4. within 30 calendar days after notice

that the bus is ready for delivery or that the chassis has been delivered to the body manufacturer, the selling company may retain 15 percent of the amount being held by the company as a good faith deposit, and all obligations to the private school may be canceled. When the 15 percent is retained, the company shall return 10 percent of the good faith deposit to the nonpublic school within 15 days of cancellation of the companies' objection.

(b) Any bus purchased under this section may not be sold, if still titled as a motor vehicle, within 5 calendar years of the date of the initial Florida title being issued, unless the following conditions are met:

1. The bus or buses may be sold only to a Florida public school district or Florida private school. Any such sale during the first 5 years shall be documented to the Department of Education within 15 days after the sale.

2. The bus or buses shall be advertised by the private school in one major newspaper located in each of the five regions of the state for 3 consecutive days and a copy of the advertisement and the name of each newspaper shall be sent to the Department of Education before the first day of advertising the bus or buses for sale.

3. The bus may not be sold at a profit. The bus shall be depreciated at a rate of 10 percent per calendar year, with the first year starting on the date of issue of the initial title in this state.

4. Notwithstanding any other provisions of law and rule regarding purchase of used school buses, the bus may be sold to a public school district if the conditions of subparagraph 3. are met.

5. Any public school district or private school

purchasing a bus under the conditions of this subsection must accept the obligations of this subsection, and such shall be entered in the sales contract.

(c) Any private school, including the owner or corporation purchasing a bus or buses under the conditions of this section, that does not comply with all the conditions of this section shall not be eligible for future purchases of a school bus under this section.

(d) Any private school interested in purchasing a bus under this section shall notify, in writing, the Department of Education. The Department of Education shall send the school the appropriate forms, instructions, and price quotations.

(e) Notwithstanding any other provisions of this section, no school bus manufacturer, distributor, or dealer shall be required to violate any dealer contract or franchise agreement entered into before the effective date of this section regarding the sale of its buses.

(f) The State Board of Education may adopt rules pursuant to ss. 120.536 and 120.54 necessary to implement this section, maintain the integrity of the school bus pool purchase program, and ensure the best and lowest price for purchasing school buses by the public school districts.

Section 108. Section 1002.43, Florida Statutes, is created to read:

1002.43 Private tutoring programs.--

(1) Regular attendance as defined in s. 1003.01(14) may be achieved by attendance in a private tutoring program if the person tutoring the student meets the following requirements:

(a) Holds a valid Florida certificate to teach the subjects or grades in which instruction is given.

(b) Keeps all records and makes all reports required by the state and district school board and makes regular reports on the attendance of students in accordance with the provisions of s. 1003.23(2).

(c) Requires students to be in actual attendance for the minimum length of time prescribed by s. 1011.60(2).

(2) Private tutors shall keep and prepare records in accordance with the provisions of s. 1003.23(2).

Section 109. Chapter 1003, Florida Statutes, shall be entitled "Public K-12 Education" and shall consist of ss. 1003.01-1003.63.

Section 110. Part I of chapter 1003, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1003.01-1003.04.

Section 111. Section 1003.01, Florida Statutes, is created to read:

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

(1) "District school board" means the members who are elected by the voters of a school district created and existing pursuant to s. 4, Art. IX of the State Constitution to operate and control public K-12 education within the school district.

(2) "School" means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education.

(3)(a) "Exceptional student" means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who are

mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospital and homebound, autistic, developmentally delayed children, ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. 1003.21(1)(e).

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

(4) "Career and technical education" means education that provides instruction for the following purposes:

(a) At the elementary, middle, and secondary school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Career and technical education provided before high school completion must be designed to enhance both occupational and academic skills

through integration with academic instruction.

(b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.

(c) At the postsecondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

(5)(a) "Suspension," also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete.

(b) "In-school suspension" means the temporary removal of a student from the student's regular school program and placement in an alternative program, such as that provided in s. 1003.53, under the supervision of district school board personnel, for a period not to exceed 10 school days.

(6) "Expulsion" means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

(7) "Corporal punishment" means the moderate use of physical force or physical contact by a teacher or principal

as may be necessary to maintain discipline or to enforce school rule. However, the term "corporal punishment" does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

(8) "Habitual truant" means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a), and is not exempt under s. 1003.21(3) or s. 1003.24, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 1003.26 and 1003.27(3), without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 984.

(9) "Dropout" means a student 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 career and technical, 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.

The State Board of Education may adopt rules to implement the provisions of this subsection.

(10) "Alternative measures for students with special needs" or "special programs" means measures designed to meet the special needs of a student that cannot be met by regular school curricula.

(11)(a) "Juvenile justice education programs or schools" means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over 12 months. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

(b) "Juvenile justice provider" means the Department of Juvenile Justice or a private, public, or other governmental organization under contract with the Department

of Juvenile Justice that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

(12) "Homeless child" means:

(a) One who lacks a fixed, regular nighttime residence;

(b) One who has a primary nighttime residence that is:

1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

2. An institution that provides a temporary residence for individuals intended to be institutionalized; or

3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

(c) One who temporarily resides with an adult other than his or her parent because the parent is suffering financial hardship.

A child who is imprisoned, detained, or in the custody of the state pursuant to a state or federal law is not a homeless child.

(13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by attendance in:

(a) A public school supported by public funds;

(b) A parochial, religious, or denominational school;

(c) A private school supported in whole or in part by

tuition charges or by endowments or gifts;

(d) A home education program that meets the requirements of chapter 1002; or

(e) A private tutoring program that meets the requirements of chapter 1002.

Section 112. Section 1003.02, Florida Statutes, is created to read:

1003.02 District school board operation and control of public K-12 education within the school district.--As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career and technical education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(a) Admission, classification, promotion, and graduation of students.--Adopt rules for admitting, classifying, promoting, and graduating students to or from the various schools of the district.

(b) Enforcement of attendance laws.--Provide for the enforcement of all laws and rules relating to the attendance

of students at school.

(c) Control of students.--

1. Adopt rules for the control, attendance, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion.

2. Maintain a code of student conduct as provided in chapter 1006.

(d) Courses of study and instructional materials.--

1. Provide adequate instructional materials for all students as follows and in accordance with the requirements of chapter 1006, in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction.

2. Adopt courses of study for use in the schools of the district.

3. Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials as may be needed, and ensure 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 school district performance standards required by law and state board rule.

(e) Transportation.--Make provision for the transportation of students to the public schools or school activities they are required or expected to attend, efficiently and economically, in accordance with the requirements of chapter 1006.

(f) Facilities and school plant.--

1. Approve and adopt a districtwide school facilities program, in accordance with the requirements of chapter 1013.

2. Approve plans for locating, planning, constructing, sanitating, insuring, maintaining, protecting, and condemning school property as prescribed in chapter 1013.

3. Approve and adopt a districtwide school building program.

4. Select and purchase school sites, playgrounds, and recreational areas located at centers at which schools are to be constructed, of adequate size to meet the needs of projected students to be accommodated.

5. Approve the proposed purchase of any site, playground, or recreational area for which school district funds are to be used.

6. Expand existing sites.

7. Rent buildings when necessary.

8. Enter into leases or lease-purchase arrangements, in accordance with the requirements and conditions provided in s. 1013.15(2).

9. Provide for the proper supervision of construction.

10. Make or contract for additions, alterations, and repairs on buildings and other school properties.

11. Ensure that all plans and specifications for buildings provide adequately for the safety and well-being of students, as well as for economy of construction.

12. Provide adequately for the proper maintenance and upkeep of school plants.

13. Carry insurance on every school building in all school plants including contents, boilers, and machinery, except buildings of three classrooms or less which are of frame construction and located in a tenth class public

protection zone as defined by the Florida Inspection and Rating Bureau, and on all school buses and other property under the control of the district school board or title to which is vested in the district school board, except as exceptions may be authorized under rules of the State Board of Education.

14. Condemn and prohibit the use for public school purposes of any building under the control of the district school board.

(g) School operation.--

1. Provide for the operation of all public schools as free schools for a term of at least 180 days or the equivalent on an hourly basis as specified by rules of the State Board of Education; determine district school funds necessary in addition to state funds to operate all schools for the minimum term; and arrange for the levying of district school taxes necessary to provide the amount needed from district sources.

2. Prepare, adopt, and timely submit to the Department of Education, as required by law and by rules of the State Board of Education, the annual school budget, so as to promote the improvement of the district school system.

(h) Records and reports.--

1. Keep all necessary records and make all needed and required reports, as required by law or by rules of the State Board of Education.

2. At regular intervals require reports to be made by principals or teachers in all public schools to the parents of the students enrolled and in attendance at their schools, apprising them of the academic and other progress being made by the student and giving other useful information.

(2) Require that all laws, all rules of the State

Board of Education, and all rules of the district school board are properly enforced.

(3) Maintain a system of school improvement and education accountability as required by law and State Board of Education rule, including but not limited to the requirements of chapter 1008.

(4) For any school within the district that is not in compliance with the small school size requirements of chapter 1013, in order to reduce the anonymity of students in large schools, adopt policies that encourage subdivision of the school into schools-within-a-school, which shall operate within existing resources. A "school-within-a-school" means an operational program that uses flexible scheduling, team planning, and curricular and instructional innovation to organize groups of students with groups of teachers as smaller units, so as to functionally operate as a smaller school. Examples of this include, but are not limited to:

(a) An organizational arrangement assigning both students and teachers to smaller units in which the students take some or all of their coursework with their fellow grouped students and from the teachers assigned to the smaller unit. A unit may be grouped together for 1 year or on a vertical, multiyear basis.

(b) An organizational arrangement similar to that described in paragraph (a) with additional variations in instruction and curriculum. The smaller unit usually seeks to maintain a program different from that of the larger school, or of other smaller units. It may be vertically organized, but is dependent upon the school principal for its existence, budget, and staff.

(c) A separate and autonomous smaller unit formally

1 authorized by the district school board or district school
2 superintendent. The smaller unit plans and runs its own
3 program, has its own staff and students, and receives its own
4 separate budget. The smaller unit must negotiate the use of
5 common space with the larger school and defer to the building
6 principal on matters of safety and building operation.
7 Section 113. Section 1003.03, Florida Statutes, is
8 created to read:
9 1003.03 Maximum class size goals.--It is the goal of
10 the Legislature and each district school board that each
11 elementary school in the school district beginning with
12 kindergarten through grade three class sizes not exceed 20
13 students, with a ratio of one full-time equivalent teacher per
14 20 students; except that only in the case of "D" and "F"
15 schools as identified by the commissioner, the goal in
16 kindergarten through grade three shall be a ratio of one
17 full-time equivalent teacher per 15 students. For purposes of
18 any funding in the General Appropriations Act to meet these
19 goals, the district school board shall give priority to
20 identified "D" and "F" schools in the school district. Second
21 priority for the use of any funds designated for meeting these
22 goals shall be for kindergarten through grade one. Third
23 priority for the use of any funds designated for meeting these
24 goals shall be for grades two and three.
25 Section 114. Section 1003.04, Florida Statutes, is
26 created to read:
27 1003.04 Student conduct and parental involvement
28 goals.--
29 (1) It is the goal of the Legislature and each
30 district school board that each public K-12 student remain in
31 attendance throughout the school year, unless excused by the

1 school for illness or other good cause, and comply fully with
2 the school's code of conduct.
3 (2) It is the goal of the Legislature and each
4 district school board that the parent of each public K-12
5 student comply with the school's reasonable and
6 time-acceptable parental involvement requests.
7 Section 115. Part II of chapter 1003, Florida
8 Statutes, shall be entitled "School Attendance" and shall
9 consist of ss. 1003.21-1003.29.
10 Section 116. Section 1003.21, Florida Statutes, is
11 created to read:
12 1003.21 School attendance.--
13 (1)(a)1. All children who have attained the age of 6
14 years or who will have attained the age of 6 years by February
15 1 of any school year or who are older than 6 years of age but
16 who have not attained the age of 16 years, except as otherwise
17 provided, are required to attend school regularly during the
18 entire school term.
19 2. Children who will have attained the age of 5 years
20 on or before September 1 of the school year are eligible for
21 admission to public kindergartens during that school year
22 under rules adopted by the district school board.
23 (b) Any child who has attained the age of 6 years on
24 or before September 1 of the school year and who has been
25 enrolled in a public school or who has attained the age of 6
26 years on or before September 1 and has satisfactorily
27 completed the requirements for kindergarten in a private
28 school from which the district school board accepts transfer
29 of academic credit, or who otherwise meets the criteria for
30 admission or transfer in a manner similar to that applicable
31 to other grades, shall progress according to the district's

student progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of private schools or home education programs.

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district must notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment.

(d) Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. 1003.54, pregnant or parenting teens may participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services under rules adopted by the district school board. Exceptional

children who are deaf or hard of hearing, visually impaired, dual sensory impaired, severely physically handicapped, trainable mentally handicapped, or profoundly handicapped, or who have established conditions, or exhibit developmental delays, below age 3 may be eligible for special programs; or, if enrolled in other school readiness programs, they may be eligible for supplemental instruction. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.

(f) Homeless children, as defined in s. 1003.01, must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist homeless children to meet the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(2)(a) The State Board of Education may adopt rules under which students not meeting the entrance age may be transferred from another state if their parents have been legal residents of that state.

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt a policy that authorizes a parent to request and be granted permission for absence of a student from school for religious instruction or religious holidays.

(3) The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations. Students within the compulsory attendance age limits who hold valid certificates of exemption that have been issued by the superintendent shall be exempt

from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(a) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;

(b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

(c) An insurance policy on the child's life that has been in force for at least 2 years;

(d) A bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the parent;

(e) A passport or certificate of arrival in the United States showing the age of the child;

(f) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a

public school physician, or, if neither of these is available in the county, by a licensed practicing physician designated by the district school board, which certificate states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. A homeless child, as defined in s. 1003.01, shall be given temporary exemption from this section for 30 school days.

Section 117. Section 1003.22, Florida Statutes, is created to read:

1003.22 School-entry health examinations; immunization against communicable diseases; exemptions; duties of Department of Health.--

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year prior to enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. A homeless child, as defined in s. 1003.01, shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, any child shall be exempt from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(2) The State Board of Education, subject to the concurrence of the Department of Health, shall adopt rules to govern medical examinations and immunizations performed under this section.

(3) The Department of Health may adopt rules necessary to administer and enforce this section. The Department of Health, after consultation with the Department of Education, shall adopt rules governing the immunization of children against, the testing for, and the control of preventable communicable diseases. The rules must include procedures for exempting a child from immunization requirements. Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, tetanus, and other communicable diseases as determined by rules of the Department of Health. The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. The Department of Health shall supervise and secure the enforcement of the required immunization. Immunizations required by this section shall be available at no cost from the county health departments.

(4) Each district school board and the governing authority of each private school shall establish and enforce as policy that, prior to admittance to or attendance in a public or private school, grades kindergarten through 12, each child present or have on file with the school a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health and further shall provide for appropriate screening of its students for scoliosis at the proper age. Such certification shall be made on forms approved and provided by the Department of Health and shall become a part of each

1 student's permanent record, to be transferred when the student
2 transfers, is promoted, or changes schools. The transfer of
3 such immunization certification by Florida public schools
4 shall be accomplished using the Florida Automated System for
5 Transferring Education Records and shall be deemed to meet the
6 requirements of this section.
7 (5) The provisions of this section shall not apply if:
8 (a) The parent of the child objects in writing that
9 the administration of immunizing agents conflicts with his or
10 her religious tenets or practices;
11 (b) A physician licensed under the provisions of
12 chapter 458 or chapter 459 certifies in writing, on a form
13 approved and provided by the Department of Health, that the
14 child should be permanently exempt from the required
15 immunization for medical reasons stated in writing, based upon
16 valid clinical reasoning or evidence, demonstrating the need
17 for the permanent exemption;
18 (c) A physician licensed under the provisions of
19 chapter 458, chapter 459, or chapter 460 certifies in writing,
20 on a form approved and provided by the Department of Health,
21 that the child has received as many immunizations as are
22 medically indicated at the time and is in the process of
23 completing necessary immunizations;
24 (d) The Department of Health determines that,
25 according to recognized standards of medical practice, any
26 required immunization is unnecessary or hazardous; or
27 (e) An authorized school official issues a temporary
28 exemption, for a period not to exceed 30 school days, to
29 permit a student who transfers into a new county to attend
30 class until his or her records can be obtained. A homeless
31 child, as defined in s. 1003.01, shall be given a temporary

exemption for 30 school days. The public school health nurse or authorized private school official is responsible for followup of each such student until proper documentation or immunizations are obtained. An exemption for 30 days may be issued for a student who enters a juvenile justice program to permit the student to attend class until his or her records can be obtained or until the immunizations can be obtained. An authorized juvenile justice official is responsible for followup of each student who enters a juvenile justice program until proper documentation or immunizations are obtained.

(6)(a) No person licensed by this state as a physician or nurse shall be liable for any injury caused by his or her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this section if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

(b) No member of a district school board, or any of its employees, or member of a governing board of a private school, or any of its employees, shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this section.

(7) The parents of any child admitted to or in attendance at a Florida public or private school, grades kindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this section.

(8) Each public school, including public kindergarten, and each private school, including private kindergarten, shall be required to provide to the county health department director or administrator annual reports of compliance with

the provisions of this section. Reports shall be completed on forms provided by the Department of Health for each kindergarten, and other grade as specified; and the reports shall include the status of children who were admitted at the beginning of the school year. After consultation with the Department of Education, the Department of Health shall establish by administrative rule the dates for submission of these reports, the grades for which the reports shall be required, and the forms to be used.

(9) The presence of any of the communicable diseases for which immunization is required by the Department of Health in a Florida public or private school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this section be identified by the district school board or by the governing authority of the private school; and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from school by the district school board, or the governing authority of the private school, until such time as is specified by the county health department director or administrator.

(10) Each district school board and the governing authority of each private school shall:

(a) Refuse admittance to any child otherwise entitled to admittance to kindergarten, or any other initial entrance

1 into a Florida public or private school, who is not in
2 compliance with the provisions of subsection (4).
3 (b) Temporarily exclude from attendance any student
4 who is not in compliance with the provisions of subsection
5 (4).
6 (11) The provisions of this section do not apply to
7 those persons admitted to or attending adult education classes
8 unless the adult students are under 21 years of age.
9 Section 118. Section 1003.23, Florida Statutes, is
10 created to read:
11 1003.23 Attendance records and reports.--
12 (1) The attendance of all public K-12 school students
13 shall be checked each school day in the manner prescribed by
14 rules of the State Board of Education and recorded in the
15 teacher's register or by some approved system of recording
16 attendance. Students may be counted in attendance only if
17 they are actually present at school or are away from school on
18 a school day and are engaged in an educational activity which
19 constitutes a part of the school-approved instructional
20 program for the student.
21 (2) All officials, teachers, and other employees in
22 public, parochial, religious, denominational, and private K-12
23 schools, including private tutors, shall keep all records and
24 shall prepare and submit promptly all reports that may be
25 required by law and by rules of the State Board of Education
26 and district school boards. Such records shall include a
27 register of enrollment and attendance and all persons
28 described above shall make these reports therefrom as may be
29 required by the State Board of Education. The enrollment
30 register shall show the absence or attendance of each student
31 enrolled for each school day of the year in a manner

prescribed by the State Board of Education. The register shall be open for the inspection by the designated school representative or the district school superintendent of the district in which the school is located. Violation of the provisions of this section shall be a misdemeanor of the second degree, punishable as provided by law. This section shall not apply to home education programs provided in s. 1002.41.

Section 119. Section 1003.24, Florida Statutes, is created to read:

1003.24 Parents responsible for attendance of children; attendance policy.--Each parent of a child within the compulsory attendance age is responsible for the child's school attendance as required by law. The absence of a student from school is prima facie evidence of a violation of this section; however, criminal prosecution under this chapter may not be brought against a parent until the provisions of s. 1003.26 have been complied with. A parent of a student is not responsible for the student's nonattendance at school under any of the following conditions:

(1) WITH PERMISSION.--The absence was with permission of the head of the school;

(2) WITHOUT KNOWLEDGE.--The absence was without the parent's knowledge, consent, or connivance, in which case the student shall be dealt with as a dependent child;

(3) FINANCIAL INABILITY.--The parent was unable financially to provide necessary clothes for the student, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability, provided that the validity of any claim for exemption under this paragraph shall be determined

by the district school superintendent subject to appeal to the district school board; or

(4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.--Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

Each district school board shall establish an attendance policy that includes, but is not limited to, the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences and tardinesses must be on file at the school. Each school in the district must determine if an absence or tardiness is excused or unexcused according to criteria established by the district school board.

Section 120. Section 1003.25, Florida Statutes, is created to read:

1003.25 Procedures for maintenance and transfer of student records.--

(1) Each principal shall maintain a permanent cumulative record for each student enrolled in a public K-12 school. Such record shall be maintained in the form, and

contain all data, prescribed by rule by the State Board of Education. The cumulative record is confidential and exempt from the provisions of s. 119.07(1) and is open to inspection only as provided in chapter 1002.

(2) The procedure for transferring and maintaining records of students who transfer from school to school shall be prescribed by rules of the State Board of Education.

(3) Procedures relating to the acceptance of transfer work and credit for students shall be prescribed by rule by the State Board of Education.

Section 121. Section 1003.26, Florida Statutes, is created to read:

1003.26 Enforcement of school attendance.--The Legislature finds that poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving the performance of many students. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district. The responsibility includes recommending to the district school board policies and procedures to ensure that schools respond in a timely manner to every unexcused absence, or absence for which the reason is unknown, of students enrolled in the schools. District school board policies must require each parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence

from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.--

(a) Upon each unexcused absence, or absence for which the reason is unknown, the school principal or his or her designee shall contact the student's parent to determine the reason for the absence. If the absence is an excused absence, as defined by district school board policy, the school shall provide opportunities for the student to make up assigned work and not receive an academic penalty unless the work is not made up within a reasonable time.

(b) If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, the student's primary teacher shall report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance. The principal shall, unless there is clear evidence that the absences are not a pattern of nonattendance, refer the case to the school's child study team to determine if early patterns of truancy are developing. If the child study team finds that a pattern of nonattendance is developing, whether the absences are excused or not, a meeting with the parent must be scheduled to identify potential remedies, and the principal shall notify the district school superintendent and the school district

contact for home education programs that the referred student is exhibiting a pattern of nonattendance.

(c) If an initial meeting does not resolve the problem, the child study team shall implement interventions that best address the problem. The interventions may include, but need not be limited to:

1. Frequent communication between the teacher and the family;

2. Changes in the learning environment;

3. Mentoring;

4. Student counseling;

5. Tutoring, including peer tutoring;

6. Placement into different classes;

7. Evaluation for alternative education programs;

8. Attendance contracts;

9. Referral to other agencies for family services; or

10. Other interventions, including, but not limited to, a truancy petition pursuant to s. 984.151.

(d) The child study team shall be diligent in facilitating intervention services and shall report the case to the district school superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.

(e) If the parent refuses to participate in the remedial strategies because he or she believes that those strategies are unnecessary or inappropriate, the parent may appeal to the district school board. The district school board may provide a hearing officer, and the hearing officer shall make a recommendation for final action to the district school board. If the district school board's final determination is that the strategies of the child study team are appropriate, and the parent still refuses to participate or cooperate, the

1 district school superintendent may seek criminal prosecution
2 for noncompliance with compulsory school attendance.
3 (f)1. If the parent of a child who has been identified
4 as exhibiting a pattern of nonattendance enrolls the child in
5 a home education program pursuant to chapter 1002, the
6 district school superintendent shall provide the parent a copy
7 of s. 1002.41 and the accountability requirements of this
8 paragraph. The district school superintendent shall also
9 refer the parent to a home education review committee composed
10 of the district contact for home education programs and at
11 least two home educators selected by the parent from a
12 district list of all home educators who have conducted a home
13 education program for at least 3 years and who have indicated
14 a willingness to serve on the committee. The home education
15 review committee shall review the portfolio of the student, as
16 defined by s. 1002.41, every 30 days during the district's
17 regular school terms until the committee is satisfied that the
18 home education program is in compliance with s. 1002.41(1)(b).
19 The first portfolio review must occur within the first 30
20 calendar days of the establishment of the program. The
21 provisions of subparagraph 2. do not apply once the committee
22 determines the home education program is in compliance with s.
23 1002.41(1)(b).
24 2. If the parent fails to provide a portfolio to the
25 committee, the committee shall notify the district school
26 superintendent. The district school superintendent shall then
27 terminate the home education program and require the parent to
28 enroll the child in an attendance option that meets the
29 definition of "regular school attendance" under s.
30 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
31 termination of a home education program pursuant to this

subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

(g) If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee shall refer the case to the case staffing committee pursuant to s. 984.12, and the district school superintendent or his or her designee may file a truancy petition pursuant to the procedures in s. 984.151.

(2) GIVE WRITTEN NOTICE.--

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, and may refer the case to the case staffing committee, established pursuant to s. 984.12. The district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151.

(3) RETURN STUDENT TO PARENT.--A designated school representative shall visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

(4) REPORT TO APPROPRIATE AUTHORITY.--A designated school representative shall report to the appropriate authority designated by law to receive such notices, all violations of the Child Labor Law that may come to his or her knowledge.

(5) RIGHT TO INSPECT.--A designated school representative shall have the right of access to, and inspection of, establishments where minors may be employed or detained only for the purpose of ascertaining whether students of compulsory school age are actually employed there and are actually working there regularly. The designated school representative shall, if he or she finds unsatisfactory

working conditions or violations of the Child Labor Law, report his or her findings to the appropriate authority.

Section 122. Section 1003.27, Florida Statutes, is created to read:

1003.27 Court procedure and penalties.--The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(1) COURT JURISDICTION.--The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, students under the provisions of this part. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) NONENROLLMENT AND NONATTENDANCE CASES.--

(a) In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the district school superintendent shall institute a criminal prosecution against the student's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to

satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver's license or learner's driver's license to, and shall suspend any previously issued driver's license or learner's driver's license of, any such minor student, pursuant to the provisions of s. 322.091.

(3) HABITUAL TRUANCY CASES.--The district school superintendent is authorized to file a truancy petition, as defined in s. 984.03, following the procedures outlined in s. 984.151. If the district school superintendent chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to this subsection and chapter 984. In accordance with procedures established by the district school board, the designated school representative shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. 984.12, as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the district school board or other community agency or may seek to resolve the truant behavior through the school or community-based organizations or

agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and s. 1003.26 to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. 1003.26, and those efforts must have been unsuccessful.

(4) COOPERATIVE AGREEMENTS.--The circuit manager of the Department of Juvenile Justice or the circuit manager's designee, the district administrator of the Department of Children and Family Services or the district administrator's designee, and the district school superintendent or the superintendent's designee must develop a cooperative interagency agreement that:

(a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.

(b) Identifies and implements measures to resolve and reduce truant behavior.

(c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.

(d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the circuit juvenile justice manager or the circuit manager's designee and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as

needed.

(e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(5) ATTENDANCE REGISTER AS EVIDENCE.--The register of attendance of students at a public, parochial, religious, denominational, or private school, or of students taught by a private tutor, kept in compliance with rules of the State Board of Education is prima facie evidence of the facts which it is required to show. A certified copy of any rule and a statement of the date of its adoption by the State Board of Education is admissible as prima facie evidence of the provisions of the rule and of the date of its adoption.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.--Proceedings or prosecutions under this chapter may be commenced by the district school superintendent, by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education or the Department of Juvenile Justice. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.--The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) The parent.--

1. A parent who refuses or fails to have a minor student who is under his or her control attend school

regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) The principal or teacher.--A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such

violation, have his or her certificate revoked by the Department of Education.

(c) The employer.--

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(d) The student.--

1. In addition to any other authorized sanctions, the court shall order a student found to be a habitual truant to make up all school work missed and may order the student to pay a civil penalty of up to $2, based on the student's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or participate in counseling or other services, as appropriate.

2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to $5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

Section 123. Section 1003.28, Florida Statutes, is created to read:

1003.28 Continuation of truancy remedial activities upon transfer of student; retention of legal jurisdiction.--

(1) If, during the activities designed to remedy truant behavior as described in s. 1003.27, the parent of the student who is the subject of such activities transfers the student to another school district in this state in an attempt to circumvent the remedial procedures which have already begun, the administration of the school from which the student transferred shall provide to the administration of the new school, at no charge, copies of all available records and documents relevant to such remedial activities, and the administration of the new school shall begin remedial activities in the program that most closely meets the transfer student's needs.

(2) In the event that a legal proceeding has commenced, as provided in s. 1003.27, against a student who has been determined to be a habitual truant, the movement of the student who is the subject of such proceeding to another circuit court district in this state will not affect the jurisdiction of the court to proceed with the case under the law.

Section 124. Section 1003.29, Florida Statutes, is created to read:

1003.29 Notice to schools of court action.--If a court takes action that directly involves a student's school, including, but not limited to, an order that a student attend school, attend school with his or her parent, perform at grade level, or perform community service hours at the school, the office of the clerk of the court shall provide notice to the school of the court's action.

Section 125. Part III of chapter 1003, Florida Statutes, shall be entitled "Control of Students" and shall consist of ss. 1003.31-1003.33.

Amendment No. ___ (for drafter's use only)

1 Section 126. Section 1003.31, Florida Statutes, is
2 created to read:
3 1003.31 Students subject to control of school.--
4 (1) Subject to law and rules of the State Board of
5 Education and of the district school board, each student
6 enrolled in a school shall:
7 (a) During the time she or he is being transported to
8 or from school at public expense;
9 (b) During the time she or he is attending school;
10 (c) During the time she or he is on the school
11 premises participating with authorization in a
12 school-sponsored activity; and
13 (d) During a reasonable time before and after the
14 student is on the premises for attendance at school or for
15 authorized participation in a school-sponsored activity, and
16 only when on the premises,
17
18 be under the control and direction of the principal or teacher
19 in charge of the school, and under the immediate control and
20 direction of the teacher or other member of the instructional
21 staff or of the bus driver to whom such responsibility may be
22 assigned by the principal. However, the State Board of
23 Education or the district school board may, by rules, subject
24 each student to the control and direction of the principal or
25 teacher in charge of the school during the time she or he is
26 otherwise en route to or from school or is presumed by law to
27 be attending school.
28 (2) There is a rebuttable presumption that the term
29 "reasonable time" means 30 minutes before or after the
30 activity is scheduled or actually begins or ends, whichever
31 period is longer. A school or district school board may, by

policy or other formal action, assume a longer period of supervision. Casual or incidental contact between school district personnel and students on school property shall not result in a legal duty to supervise outside of the reasonable times set forth in this section, provided that parents shall be advised in writing twice per year or by posted signs of the school's formal supervisory responsibility and that parents should not rely on additional supervision. The duty of supervision shall not extend to anyone other than students attending school and students authorized to participate in school-sponsored activities.

(3) Nothing shall prohibit a district school board from having the right to expel, or to take disciplinary action against, a student who is found to have committed an offense on school property at any time if:

(a) The student is found to have committed a delinquent act which would be a felony if committed by an adult;

(b) The student has had adjudication withheld for a delinquent act which, if committed by an adult, would be a felony; or

(c) The student has been found guilty of a felony.

However, if the student is a student with a disability, the disciplinary action must comply with the procedures set forth in State Board of Education rule.

(4) Each student enrolled in a school may be required to take the following school child's daily conduct pledge:

(a) I will be respectful at all times and obedient unless asked to do wrong.

(b) I will not hurt another person with my words or my

acts, because it is wrong to hurt others.

(c) I will tell the truth, because it is wrong to tell a lie.

(d) I will not steal, because it is wrong to take someone else's property.

(e) I will respect my body, and not take drugs.

(f) I will show strength and courage, and not do something wrong, just because others are doing it.

(g) I pledge to be nonviolent and to respect my teachers and fellow classmates.

Section 127. Section 1003.32, Florida Statutes, is created to read:

1003.32 Authority of teacher; responsibility for control of students; district school board and principal duties.--Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.

(1) Within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school:

(a) Establish classroom rules of conduct.

(b) Establish and implement consequences, designed to change behavior, for infractions of classroom rules.

(c) Have disobedient, disrespectful, violent, abusive,

uncontrollable, or disruptive students temporarily removed from the classroom for behavior management intervention.

(d) Have violent, abusive, uncontrollable, or disruptive students directed for information or assistance from appropriate school or district school board personnel.

(e) Assist in enforcing school rules on school property, during school-sponsored transportation, and during school-sponsored activities.

(f) Request and receive information as to the disposition of any referrals to the administration for violation of classroom or school rules.

(g) Request and receive immediate assistance in classroom management if a student becomes uncontrollable or in case of emergency.

(h) Request and receive training and other assistance to improve skills in classroom management, violence prevention, conflict resolution, and related areas.

(i) Press charges if a crime has been committed against the teacher or other instructional personnel on school property, during school-sponsored transportation, or during school-sponsored activities.

(j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

(k) Use corporal punishment according to school board policy and at least the following procedures, if a teacher feels that corporal punishment is necessary:

1. The use of corporal punishment shall be approved in principle by the principal before it is used, but approval is not necessary for each specific instance in which it is used. The principal shall prepare guidelines for administering such

punishment which identify the types of punishable offenses, the conditions under which the punishment shall be administered, and the specific personnel on the school staff authorized to administer the punishment.

2. A teacher or principal may administer corporal punishment only in the presence of another adult who is informed beforehand, and in the student's presence, of the reason for the punishment.

3. A teacher or principal who has administered punishment shall, upon request, provide the student's parent with a written explanation of the reason for the punishment and the name of the other adult who was present.

(2) Teachers and other instructional personnel shall:

(a) Set and enforce reasonable classroom rules that treat all students equitably.

(b) Seek professional development to improve classroom management skills when data show that they are not effective in handling minor classroom disruptions.

(c) Maintain a positive and effective learning environment that maximizes learning and minimizes disruption.

(d) Work with parents and other school personnel to solve discipline problems in their classrooms.

(3) A teacher may send a student to the principal's office to maintain effective discipline in the classroom. The principal shall respond by employing appropriate discipline-management techniques consistent with the student code of conduct under s. 1006.07.

(4) A teacher may remove from class a student whose behavior the teacher determines interferes with the teacher's ability to communicate effectively with the students in the class or with the ability of the student's classmates to

learn.

(5) If a teacher removes a student from class under subsection (4), the principal may place the student in another appropriate classroom, in in-school suspension, or in a dropout prevention and academic intervention program as provided by s. 1003.53; or the principal may recommend the student for out-of-school suspension or expulsion, as appropriate. The student may be prohibited from attending or participating in school-sponsored or school-related activities. The principal may not return the student to that teacher's class without the teacher's consent unless the committee established under subsection (6) determines that such placement is the best or only available alternative. The teacher and the placement review committee must render decisions within 5 days of the removal of the student from the classroom.

(6) Each school shall establish a committee to determine placement of a student when a teacher withholds consent to the return of a student to the teacher's class. Committee membership must include at least the following:

(a) Two teachers selected by the school's faculty.

(b) One member from the school's staff who is selected by the principal.

The teacher who withheld consent to readmitting the student may not serve on the committee. The teacher and the placement review committee must render decisions within 5 days after the removal of the student from the classroom.

(7) Any teacher who removes 25 percent of his or her total class enrollment shall be required to complete professional development to improve classroom management

skills.

(8) When knowledgeable of the likely risk of physical violence in the schools, the district school board shall take reasonable steps to ensure that teachers, other school staff, and students are not at undue risk of violence or harm.

Section 128. Section 1003.33, Florida Statutes, is created to read:

1003.33 Report cards; end-of-the-year status.--

(1) Each district school board shall establish and publish policies requiring the content and regular issuance of student report cards for all elementary school, middle school, and high school students. These report cards must clearly depict and grade:

(a) The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria.

(b) The student's conduct and behavior.

(c) The student's attendance, including absences and tardiness.

(2) A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or nonpromotion.

District school boards shall not allow schools to exempt students from academic performance requirements based on practices or policies designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic

1 performance requirement.
2 Section 129. Part IV of chapter 1003, Florida
3 Statutes, shall be entitled "Public K-12 Educational
4 Instruction" and shall consist of ss. 1003.41-1003.491.
5 Section 130. Section 1003.41, Florida Statutes, is
6 created to read:
7 1003.41 Sunshine State Standards.--Public K-12
8 educational instruction in Florida is based on the "Sunshine
9 State Standards." These standards have been adopted by the
10 State Board of Education and delineate the academic
11 achievement of students, for which the state will hold schools
12 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
13 of language arts, mathematics, science, social studies, the
14 arts, health and physical education, and foreign languages.
15 They include standards in reading, writing, history,
16 government, geography, economics, and computer literacy.
17 Section 131. Section 1003.42, Florida Statutes, is
18 created to read:
19 1003.42 Required instruction.--
20 (1) Each district school board shall provide all
21 courses required for high school graduation and appropriate
22 instruction designed to ensure that students meet State Board
23 of Education adopted standards in the following subject areas:
24 reading and other language arts, mathematics, science, social
25 studies, foreign languages, health and physical education, and
26 the arts.
27 (2) Members of the instructional staff of the public
28 schools, subject to the rules of the State Board of Education
29 and the district school board, shall teach efficiently and
30 faithfully, using the books and materials required, following
31 the prescribed courses of study, and employing approved

methods of instruction, the following:

(a) The content of the Declaration of Independence and how it forms the philosophical foundation of our government.

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

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

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

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal Government, the state, and its counties, municipalities, school districts, and special districts.

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

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

(h) The elementary principles of agriculture.

(i) The true effects of all alcoholic and intoxicating

liquors and beverages and narcotics upon the human body and mind.

(j) Kindness to animals.

(k) The history of the state.

(l) The conservation of natural resources.

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

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

(o) The study of Hispanic contributions to the United States.

(p) The study of women's contributions to the United States.

(q) A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature and stresses such character qualities as attentiveness, patience, and initiative. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism, responsibility,

citizenship, kindness, respect, honesty, self-control, tolerance, and cooperation.

(r) In order to encourage patriotism, the sacrifices that veterans have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Veterans' Day and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans when practicable.

(3) Any student whose parent makes written request to the school principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption. Course descriptions for comprehensive health education shall not interfere with the local determination of appropriate curriculum which reflects local values and concerns.

Section 132. Section 1003.43, Florida Statutes, is created to read:

1003.43 General requirements for high school graduation.--

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

(a) Four credits in English, with major concentration in composition and literature.

(b) Three credits in mathematics. Effective for students entering the 9th grade in the 1997-1998 school year and thereafter, one of these credits must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course.

(c) Three credits in science, two of which must have a laboratory component. The State Board of Education may grant an annual waiver of the laboratory requirement to a district school board that certifies that its laboratory facilities are inadequate, provided the district school board submits a capital outlay plan to provide adequate facilities and makes the funding of this plan a priority of the district school board. Agriscience Foundations I, the core course in secondary Agriscience and Natural Resources programs, counts as one of the science credits.

(d) One credit in American history.

(e) One credit in world history, including a comparative study of the history, doctrines, and objectives of all major political systems.

(f) One-half credit in economics, including a comparative study of the history, doctrines, and objectives of all major economic systems. The Florida Council on Economic Education shall provide technical assistance to the department and district school boards in developing curriculum materials for the study of economics.

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

(h)1. One credit in practical arts career and technical education or exploratory career and technical education. Any career and technical education course as defined in s. 1003.01 may be taken to satisfy the high school

graduation requirement for one credit in practical arts or exploratory career and technical education provided in this subparagraph;

2. One credit in performing fine arts to be selected from music, dance, drama, painting, or sculpture. A course in any art form, in addition to painting or sculpture, that requires manual dexterity, or a course in speech and debate, may be taken to satisfy the high school graduation requirement for one credit in performing arts pursuant to this subparagraph; or

3. One-half credit each in practical arts career and technical education or exploratory career and technical education and performing fine arts, as defined in this paragraph.

Such credit for practical arts career and technical education or exploratory career and technical education or for performing fine arts shall be made available in the 9th grade, and students shall be scheduled into a 9th grade course as a priority.

(i) One-half credit in life management skills to include consumer education, positive emotional development, marriage and relationship skill-based education, nutrition, prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases, benefits of sexual abstinence and consequences of teenage pregnancy, information and instruction on breast cancer detection and breast self-examination, cardiopulmonary resuscitation, drug education, and the hazards of smoking. Such credit shall be given for a course to be taken by all students in either the 9th or 10th grade.

(j) One credit in physical education to include assessment, improvement, and maintenance of personal fitness. Participation in an interscholastic sport at the junior varsity or varsity level, for two full seasons, shall satisfy the one-credit requirement in physical education if the student passes a competency test on personal fitness with a score of "C" or better. The competency test on personal fitness must be developed by the Department of Education. A district school board may not require that the one credit in physical education be taken during the 9th grade year. Completion of one semester with a grade of "C" or better in a marching band class or in a physical activity class that requires participation in marching band activities as an extracurricular activity shall satisfy a one-half credit requirement in physical education. This one-half credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual educational plan (IEP) or 504 plan.

(k) Eight and one-half elective credits.

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the

Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation requirements or Florida Academic Scholars award requirements as specified in a district school board's student progression plan. A student shall be granted credit toward meeting the requirements of this subsection for equivalent courses, as identified pursuant to s. 1007.271(6), taken through dual enrollment.

(2) Remedial and compensatory courses taken in grades 9 through 12 may only be counted as elective credit as provided in subsection (1).

(3) Credit for high school graduation may be earned for volunteer activities and nonacademic activities which have been approved for such credit by the State Board of Education.

(4)(a) A district school board may require specific courses and programs of study within the minimum credit requirements for high school graduation and shall modify basic courses, as necessary, to assure exceptional students the opportunity to meet the graduation requirements for a standard diploma, using one of the following strategies:

1. Assignment of the exceptional student to an exceptional education class for instruction in a basic course with the same student performance standards as those required of nonexceptional students in the district school board student progression plan; or

2. Assignment of the exceptional student to a basic education class for instruction that is modified to accommodate the student's exceptionality.

(b) The district school board shall determine which of these strategies to employ based upon an assessment of the student's needs and shall reflect this decision in the

student's individual educational plan.

(c) District school boards are authorized and encouraged to establish requirements for high school graduation in excess of the minimum requirements; however, an increase in academic credit or minimum grade point average requirements shall not apply to those students enrolled in grades 9 through 12 at the time the district school board increases the requirements. In addition, any increase in academic credit or minimum grade point average requirements shall not apply to a student who earns credit toward the graduation requirements of this section for equivalent courses taken through dual enrollment.

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

(a) Earning passing scores on the FCAT, as defined in s. 1008.22(3)(c).

(b) Completion of all other applicable requirements prescribed by the district school board pursuant to s. 1008.25.

(c) Achievement of a cumulative grade point average of 1.5 on a 4.0 scale, or its equivalent, for students entering 9th grade before the 1997-1998 school year; however, these students must earn a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by subsection (1) that are taken after July 1, 1997, or have an overall cumulative grade point average of 2.0 or above.

(d) Achievement of a cumulative grade point average of 2.0 on a 4.0 scale, or its equivalent, in the courses required by subsection (1), for students entering 9th grade in the 1997-1998 school year and thereafter.

(e) For purposes of paragraphs (c) and (d):

1. Each district school board shall adopt policies designed to assist students in meeting these requirements. These policies may include, but are not limited to: forgiveness policies, summer school or before or after school attendance, special counseling, volunteer and/or peer tutors, school-sponsored help sessions, homework hotlines, and study skills classes. Beginning in the 2000-2001 school year and each year thereafter, forgiveness policies for required courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in the same or comparable course. Forgiveness policies for elective courses shall be limited to replacing a grade of "D" or "F," or the equivalent of a grade of "D" or "F," with a grade of "C" or higher, or the equivalent of a grade of "C" or higher, earned subsequently in another course. Any course grade not replaced according to a district school board forgiveness policy shall be included in the calculation of the cumulative grade point average required for graduation.

2. At the end of each semester, the parent of each student in grades 9, 10, 11, and 12 who has a cumulative grade point average of less than 0.5 above the cumulative grade point average required for graduation shall be notified that the student is at risk of not meeting the requirements for graduation. The notice shall contain an explanation of the policies the district school board has in place to assist the student in meeting the grade point average requirement.

3. Special assistance to obtain a high school equivalency diploma pursuant to s. 1003.435 may be given only

when the student has completed all requirements for graduation except the attainment of the required cumulative grade point average.

The standards required in this subsection, and any subsequent modifications, shall be reprinted in the Florida Administrative Code even though not defined as "rules."

(6) The Legislature recognizes that adult learners are unique in situation and needs. The following graduation requirements are therefore instituted for students enrolled in adult general education in accordance with s. 1004.93 in pursuit of a high school diploma:

(a) The one credit in physical education required for graduation, pursuant to subsection (1), is not required for graduation and shall be substituted with elective credit keeping the total credits needed for graduation consistent with subsection (1).

(b) Each district school board may waive the laboratory component of the science requirement expressed in subsection (1) when such facilities are inaccessible or do not exist.

(c) Any course listed within the Department of Education Course Code Directory in the areas of art, dance, drama, or music may be undertaken by adult secondary education students. Enrollment and satisfactory completion of such a course shall satisfy the credit in performing fine arts required for high school graduation pursuant to subsection (1).

(7) No student may be granted credit toward high school graduation for enrollment in the following courses or programs:

(a) More than a total of nine elective credits in remedial programs.

(b) More than one credit in exploratory career education courses as defined in s. 1003.01(4)(a).

(c) More than three credits in practical arts family and consumer sciences classes as defined in s. 1003.01(4)(a).

(d) Any Level I course unless the student's assessment indicates that a more rigorous course of study would be inappropriate, in which case a written assessment of the need must be included in the student's individual educational plan or in a student performance plan, signed by the principal, the guidance counselor, and the parent of the student, or the student if the student is 18 years of age or older.

(8) The State Board of Education, after a public hearing and consideration, shall make provision for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills.

(9) A student who meets all requirements prescribed in subsections (1), (4), and (5) shall be awarded a standard diploma in a form prescribed by the State Board of Education. A district school board may attach the Florida gold seal career and technical endorsement to a standard diploma or, instead of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by subsections (1) and (4), but who is unable to meet the standards of paragraph (5)(a), paragraph (5)(b), or

paragraph (5)(c), shall be awarded a certificate of completion in a form prescribed by the State Board of Education. However, any student who is otherwise entitled to a certificate of completion may elect to remain in the secondary school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies.

(10) The public hearing and consideration required in subsection (8) shall not be construed to amend or nullify the requirements of security relating to the contents of examinations or assessment instruments and related materials or data as prescribed in s. 1008.23.

(11) The Commissioner of Education may award a standard high school diploma to honorably discharged veterans who started high school between 1937 and 1946 and were scheduled to graduate between 1941 and 1950 but were inducted into the United States Armed Forces between September 16, 1940, and December 31, 1946, prior to completing the necessary high school graduation requirements. Upon the recommendation of the commissioner, the State Board of Education may develop criteria and guidelines for awarding such diplomas.

Section 133. Section 1003.435, Florida Statutes, is created to read:

1003.435 High school equivalency diploma program.--

(1) The State Board of Education shall adopt rules that prescribe performance standards and provide for comprehensive examinations to be administered to candidates for high school equivalency diplomas. Such rules shall include, but are not limited to, provisions for fees, frequency of examinations, and procedures for retaking an examination upon unsatisfactory performance.

(2) The department may award high school equivalency diplomas to candidates who meet the performance standards prescribed by the State Board of Education.

(3) Each district school board shall offer and administer the high school equivalency diploma examinations and the subject area examinations to all candidates pursuant to rules of the State Board of Education.

(4) A candidate for a high school equivalency diploma shall be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16.

(5) Each district school board shall develop, in cooperation with the area community college board of trustees, a plan for the provision of advanced instruction for those students who attain satisfactory performance on the high school equivalency examination or the subject area examinations or who demonstrate through other means a readiness to engage in postsecondary-level academic work. The plan shall include provisions for the equitable distribution of generated funds to cover personnel, maintenance, and other costs of offering the advanced instruction. Priority shall be given to programs of advanced instruction offered in high school facilities.

(6)(a) All high school equivalency diplomas issued under the provisions of this section shall have equal status with other high school diplomas for all state purposes, including admission to any state university or community college.

(b) The State Board of Education shall adopt rules providing for the award of a standard high school diploma to holders of high school equivalency diplomas who are assessed as meeting designated criteria, and the commissioner shall establish procedures for administering the assessment.

Section 134. Section 1003.436, Florida Statutes, is created to read:

1003.436 Definition of "credit".--

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a district's interinstitutional articulation agreement according to s. 1007.235 and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(6).

(b) The hourly requirements for one-half credit are one-half the requirements specified in paragraph (a).

(2) In awarding credit for high school graduation, each district school board shall maintain a one-half credit earned system that shall include courses provided on a full-year basis. A student enrolled in a full-year course shall receive one-half credit if the student successfully completes either the first half or the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would not result in a passing grade. A student enrolled in a full-year course shall receive a full credit if the student successfully completes either the first half or

the second half of a full-year course but fails to successfully complete the other half of the course and the averaging of the grades obtained in each half would result in a passing grade, provided that such additional requirements specified in district school board policies, such as class attendance, homework, participation, and other indicators of performance, shall be successfully completed by the student.

Section 135. Section 1003.437, Florida Statutes, is created to read:

1003.437 High school grading system.--The grading system and interpretation of letter grades used in public high schools shall be as follows:

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

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

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

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

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

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

For the purposes of class ranking, district school boards may

1 exercise a weighted grading system.
2 Section 136. Section 1003.438, Florida Statutes, is
3 created to read:
4 1003.438 Special high school graduation requirements
5 for certain exceptional students.--A student who has been
6 properly classified, in accordance with rules established by
7 the State board of Education, as "educable mentally
8 handicapped," "trainable mentally handicapped," "hearing
9 impaired," "specific learning disabled," "physically or
10 language impaired," or "emotionally handicapped" shall not be
11 required to meet all requirements of s. 1003.43 and shall,
12 upon meeting all applicable requirements prescribed by the
13 district school board pursuant to s. 1008.25, be awarded a
14 special diploma in a form prescribed by the commissioner;
15 however, such special graduation requirements prescribed by
16 the district school board must include minimum graduation
17 requirements as prescribed by the commissioner. Any such
18 student who meets all special requirements of the district
19 school board for exceptionality, but is unable to meet the
20 appropriate special state minimum requirements, shall be
21 awarded a special certificate of completion in a form
22 prescribed by the commissioner. A student who has been
23 properly classified as "profoundly handicapped" and who meets
24 the special requirements of the district school board for a
25 special diploma in accordance with requirements for any
26 exceptional student identified in this section shall be
27 awarded a special diploma; however, such a student shall
28 alternatively be eligible for a special certificate of
29 completion, in a form prescribed by the commissioner, if all
30 school requirements for students who are "profoundly
31 handicapped" have been met. However, this section does not

limit or restrict the right of an exceptional student solely to a special diploma or special certificate of completion. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 1003.43 through the standard procedures established therein and thereby to qualify for a standard diploma upon graduation.

Section 137. Section 1003.44, Florida Statutes, is created to read:

1003.44 Patriotic programs; rules.--

(1) Each district school board may adopt rules to require, in all of the schools of the district, programs of a patriotic nature to encourage greater respect for the government of the United States and its national anthem and flag, subject always to other existing pertinent laws of the United States or of the state. When the national anthem is played, students and all civilians shall stand at attention, men removing the headdress, except when such headdress is worn for religious purposes. The pledge of allegiance to the flag, "I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all," shall be rendered by students standing with the right hand over the heart. The pledge of allegiance to the flag shall be recited at the beginning of the day in each public elementary, middle, and high school in the state. Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge. Upon written request by his or her parent, the student must be excused from reciting the pledge. When the pledge is given, civilians must show full respect to the flag by standing at attention, men removing the headdress, except when

such headdress is worn for religious purposes, as provided by Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat. 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved December 22, 1942.

(2) Each district school board may allow any teacher or administrator to read, or to post in a public school building or classroom or at any school-related event, any excerpt or portion of the following historic material: the national motto; the national anthem; the pledge of allegiance; the Constitution of the State of Florida, including the Preamble; the Constitution of the United States, including the Preamble; the Bill of Rights; the Declaration of Independence; the Mayflower Compact; the Emancipation Proclamation; the writings, speeches, documents, and proclamations of the presidents of the United States, the signers of the Constitution of the United States and the Declaration of Independence, and civil rights leaders; and decisions of the United States Supreme Court. However, any material that is read, posted, or taught pursuant to this provision may be presented only from a historical perspective and in a nonproselytizing manner. When less than an entire document is used, the excerpt or portion must include as much material as is reasonably necessary to reflect the sentiment of the entire document and avoid expressing statements out of the context in which they were originally made. If the material refers to laws or judicial decisions that have been superseded, the material must be accompanied by a statement indicating that such law or decision is no longer the law of the land. No material shall be selected to advance a particular religious, political, or sectarian purpose. The department shall distribute a copy of this section to each district school

board, whereupon each district school superintendent shall distribute a copy to all teachers and administrators.

Section 138. Section 1003.45, Florida Statutes, is created to read:

1003.45 Permitting study of the Bible and religion; permitting brief meditation period.--

(1) The district school board may install in the public schools in the district a secular program of education including, but not limited to, an objective study of the Bible and of religion.

(2) The district school board may provide that a brief period, not to exceed 2 minutes, for the purpose of silent prayer or meditation be set aside at the start of each school day or each school week in the public schools in the district.

Section 139. Section 1003.46, Florida Statutes, is created to read:

1003.46 Health education; instruction in acquired immune deficiency syndrome.--

(1) Each district school board may provide instruction in acquired immune deficiency syndrome education as a specific area of health education. Such instruction may include, but is not limited to, the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The instruction shall be appropriate for the grade and age of the student and shall reflect current theory, knowledge, and practice regarding acquired immune deficiency syndrome and its prevention.

(2) Throughout instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains

instruction in human sexuality, a school shall:

(a) Teach abstinence from sexual activity outside of marriage as the expected standard for all school-age students while teaching the benefits of monogamous heterosexual marriage.

(b) Emphasize that abstinence from sexual activity is a certain way to avoid out-of-wedlock pregnancy, sexually transmitted diseases, including acquired immune deficiency syndrome, and other associated health problems.

(c) Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others.

(d) Provide instruction and material that is appropriate for the grade and age of the student.

Section 140. Section 1003.47, Florida Statutes, is created to read:

1003.47 Biological experiments on living subjects.--

(1) It is the intent of the Legislature with respect to biological experiments involving living subjects by students in grades K through 12 that:

(a) No surgery or dissection shall be performed on any living mammalian vertebrate or bird. Dissection may be performed on nonliving mammals or birds secured from a recognized source of such specimens and under supervision of qualified instructors. Students may be excused upon written request of a parent.

(b) Lower orders of life and invertebrates may be used in such experiments.

(c) Nonmammalian vertebrates, excluding birds, may be used in biological experiments, provided that physiological harm does not result from such experiments. Anatomical

studies shall only be conducted on models that are anatomically correct for the animal being studied or on nonliving nonmammalian vertebrates secured and from a recognized source of such specimens and under the supervision of qualified instructors. Students may be excused from such experiments upon written request of the parent.

(d) Observational studies of animals in the wild or in zoological parks, gardens, or aquaria, or of pets, fish, domestic animals, or livestock may be conducted.

(e) Studies of vertebrate animal cells, such as red blood cells or other tissue cells, plasma or serum, or anatomical specimens, such as organs, tissues, or skeletons, purchased or acquired from biological supply houses or research facilities or from wholesale or retail establishments that supply carcasses or parts of food animals may be conducted.

(f) Normal physiological and behavioral studies of the human animal may be conducted, provided that such projects are carefully selected so that neither physiological or psychological harm to the subject can result from such studies.

(g) All experiments shall be carried out under the supervision of a competent science teacher who shall be responsible for ensuring that the student has the necessary comprehension for the study to be undertaken. Whenever feasible, specifically qualified experts in the field should be consulted.

(h) Live animals on the premises of public and private elementary, middle, and high schools shall be housed and cared for in a humane and safe manner. Animals shall not remain on the premises of any school during periods when such school is

not in session, unless adequate care is provided for such animals.

(2) The provisions of this section shall not be construed to prohibit or constrain conventional instruction in the normal practices of animal husbandry or exhibition of any livestock in connection with any agricultural program or instruction of advanced students participating in advanced research, scientific studies, or projects.

(3) If any instructional employee of a public high school or area technical center knowingly or intentionally fails or refuses to comply with any of the provisions of this section, the district school board may suspend, dismiss, return to annual contract, or otherwise discipline such employee as provided in s. 1012.22(1)(f) in accordance with procedures established in chapter 1012. If any instructional employee of any private school knowingly or intentionally fails or refuses to comply with the provisions of this section, the governing authority of the private school may suspend, dismiss, or otherwise discipline such employee in accordance with its standard personnel procedures.

Section 141. Section 1003.48, Florida Statutes, is created to read:

1003.48 Instruction in operation of motor vehicles.--

(1) A course of study and instruction in the safe and lawful operation of a motor vehicle shall be made available by each district school board to students in the secondary schools in the state. As used in this section, the term "motor vehicle" shall have the same meaning as in s. 320.01(1)(a) and shall include motorcycles and mopeds. Instruction in motorcycle or moped operation may be limited to classroom instruction. The course shall not be made a part

of, or a substitute for, any of the minimum requirements for graduation.

(2) In order to make such a course available to any secondary school student, the district school board may use any one of the following procedures or any combination thereof:

(a) Utilize instructional personnel employed by the district school board.

(b) Contract with a commercial driving school licensed under the provisions of chapter 488.

(c) Contract with an instructor certified under the provisions of chapter 488.

(3)(a) District school boards shall earn funds on full-time equivalent students at the appropriate basic program cost factor, regardless of the method by which such courses are offered.

(b) For the purpose of financing the Driver Education Program in the secondary schools, there shall be levied an additional 50 cents per year to the driver's license fee required by s. 322.21. The additional fee shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, which shall transmit the fee to the Treasurer to be deposited in the General Revenue Fund.

(4) The district school board shall prescribe standards for the course required by this section and for instructional personnel directly employed by the district school board. Any certified instructor or licensed commercial driving school shall be deemed sufficiently qualified and shall not be required to meet any standards in lieu of or in addition to those prescribed under chapter 488.

Section 142. Section 1003.49, Florida Statutes, is

created to read:

1003.49 Graduation and promotion requirements for publicly operated schools.--

(1) Each state or local public agency, including the Department of Children and Family Services, the Department of Corrections, the boards of trustees of universities and 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. 1003.43, 1008.23, and 1008.25. Within the content of these cited statutes each such state or local public agency or entity shall be considered a "district school board."

(2) The Commissioner of Education shall establish procedures to extend the state-administered assessment program to school programs operated by such state or local public agencies or entities in the same manner and to the same extent as such program is administered in each district school system.

Section 143. Section 1003.491, Florida Statutes, is created to read:

1003.491 Career and technical education.--

(1) School board, superintendent, and school accountability for career and technical education within elementary and secondary schools includes, but is not limited to:

(a) Student exposure to a variety of careers and provision of instruction to explore specific careers in greater depth.

(b) Student awareness of available career and

technical programs and the corresponding occupations into which such programs lead.

(c) Student development of individual career plans.

(d) Integration of academic and career and technical skills in the secondary curriculum.

(e) Student preparation to enter the workforce and enroll in postsecondary education without being required to complete college preparatory or vocational preparatory instruction.

(f) Student retention in school through high school graduation.

(g) Career and technical curriculum articulation with corresponding postsecondary programs in the local area technical center or community college, or both.

(2) No school board or public school shall require a student to participate in any school-to-work or job training program. A district school board or school shall not require a student to meet occupational standards for grade level promotion or graduation unless the student is voluntarily enrolled in a job training program.

Section 144. Part V of chapter 1003, Florida Statutes, shall be entitled "Specialized Instruction For Certain Public K-12 Students" and shall consist of ss. 1003.51-1003.58.

Section 145. Section 1003.51, Florida Statutes, is created to read:

1003.51 Other public educational services.--

(1) The general control of other public educational services shall be vested in the State Board of Education except as provided herein. The State Board of Education shall, at the request of the Department of Children and Family Services and the Department of Juvenile Justice, advise as to

standards and requirements relating to education to be met in all state schools or institutions under their control which provide educational programs. The Department of Education shall provide supervisory services for the educational programs of all such schools or institutions. The direct control of any of these services provided as part of the district program of education shall rest with the district school board. These services shall be supported out of state, district, federal, or other lawful funds, depending on the requirements of the services being supported.

(2) The State Board of Education shall adopt and maintain an administrative rule articulating expectations for effective education programs for youth in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice commitment and detention facilities. The rule shall articulate policies and standards for education programs for youth in Department of Juvenile Justice programs and shall include the following:

(a) The interagency collaborative process needed to ensure effective programs with measurable results.

(b) The responsibilities of the Department of Education, the Department of Juvenile Justice, district school boards, and providers of education services to youth in Department of Juvenile Justice programs.

(c) Academic expectations.

(d) Service delivery options available to district school boards, including direct service and contracting.

(e) Assessment procedures, which:

1. Include appropriate academic and career and technical assessments administered at program entry and exit that are selected by the Department of Education in

partnership with representatives from the Department of Juvenile Justice, district school boards, and providers.

2. Require district school boards to be responsible for ensuring the completion of the assessment process.

3. Require assessments for students in detention who will move on to commitment facilities, to be designed to create the foundation for developing the student's education program in the assigned commitment facility.

4. Require assessments of students sent directly to commitment facilities to be completed within the first week of the student's commitment.

The results of these assessments, together with a portfolio depicting the student's academic and career and technical accomplishments, shall be included in the discharge package assembled for each youth.

(f) Recommended instructional programs, including, but not limited to, career and technical training and job preparation.

(g) Funding requirements, which shall include the requirement that at least 80 percent of the FEFP funds generated by students in Department of Juvenile Justice programs be spent on instructional costs for those students. One hundred percent of the formula-based categorical funds generated by students in Department of Juvenile Justice programs must be spent on appropriate categoricals such as instructional materials and public school technology for those students.

(h) Qualifications of instructional staff, procedures for the selection of instructional staff, and procedures to ensure consistent instruction and qualified staff year round.

(i) Transition services, including the roles and responsibilities of appropriate personnel in school districts, provider organizations, and the Department of Juvenile Justice.

(j) Procedures and timeframe for transfer of education records when a youth enters and leaves a facility.

(k) The requirement that each district school board maintain an academic transcript for each student enrolled in a juvenile justice facility that delineates each course completed by the student as provided by the State Course Code Directory.

(l) The requirement that each district school board make available and transmit a copy of a student's transcript in the discharge packet when the student exits a facility.

(m) Contract requirements.

(n) Performance expectations for providers and district school boards, including the provision of an academic improvement plan as required in s. 1008.25.

(o) The role and responsibility of the district school board in securing workforce development funds.

(p) A series of graduated sanctions for district school boards whose educational programs in Department of Juvenile Justice facilities are considered to be unsatisfactory and for instances in which district school boards fail to meet standards prescribed by law, rule, or State Board of Education policy. These sanctions shall include the option of requiring a district school board to contract with a provider or another district school board if the educational program at the Department of Juvenile Justice facility has failed a quality assurance review and, after 6 months, is still performing below minimum standards.

(q) Other aspects of program operations.

(3) The Department of Education in partnership with the Department of Juvenile Justice, the district school boards, and providers shall:

(a) Maintain model contracts for the delivery of appropriate education services to youth in Department of Juvenile Justice programs to be used for the development of future contracts. The model contracts shall reflect the policy and standards included in subsection (2). The Department of Education shall ensure that appropriate district school board personnel are trained and held accountable for the management and monitoring of contracts for education programs for youth in juvenile justice residential and nonresidential facilities.

(b) Maintain model procedures for transitioning youth into and out of Department of Juvenile Justice programs. These procedures shall reflect the policy and standards adopted pursuant to subsection (2).

(c) Maintain standardized required content of education records to be included as part of a youth's commitment record. These requirements shall reflect the policy and standards adopted pursuant to subsection (2) and shall include, but not be limited to, the following:

1. A copy of the student's individual educational plan.

2. Assessment data, including grade level proficiency in reading, writing, and mathematics, and performance on tests taken according to s. 1008.22.

3. A copy of the student's permanent cumulative record.

4. A copy of the student's academic transcript.

5. A portfolio reflecting the youth's academic

accomplishments while in the Department of Juvenile Justice program.

(d) Maintain model procedures for securing the education record and the roles and responsibilities of the juvenile probation officer and others involved in the withdrawal of the student from school and assignment to a commitment or detention facility. District school boards shall respond to requests for student education records received from another district school board or a juvenile justice facility within 5 working days after receiving the request.

(4) The Department of Education shall ensure that district school boards notify students in juvenile justice residential or nonresidential facilities who attain the age of 16 years of the provisions of law regarding compulsory school attendance and make available the option of enrolling in a program to attain a Florida high school diploma by taking the general educational development test prior to release from the facility. District school boards or community colleges, or both, shall waive GED testing fees for youth in Department of Juvenile Justice residential programs and shall, upon request, designate schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs as GED testing centers, subject to GED testing center requirements. The administrative fees for the general education development test required by the Department of Education are the responsibility of district school boards and may be required of providers by contractual agreement.

(5) The Department of Education shall establish and operate, either directly or indirectly through a contract, a mechanism to provide quality assurance reviews of all juvenile justice education programs and shall provide technical

assistance and related research to district school boards and providers on how to establish, develop, and operate educational programs that exceed the minimum quality assurance standards.

Section 146. Section 1003.52, Florida Statutes, is created to read:

1003.52 Educational services in Department of Juvenile Justice programs.--

(1) The Legislature finds that education is the single most important factor in the rehabilitation of adjudicated delinquent youth in the custody of the Department of Juvenile Justice in detention or commitment facilities. It is the goal of the Legislature that youth in the juvenile justice system continue to be allowed the opportunity to obtain a high quality education. The Department of Education shall serve as the lead agency for juvenile justice education programs, curriculum, support services, and resources. To this end, the Department of Education and the Department of Juvenile Justice shall each designate a Coordinator for Juvenile Justice Education Programs to serve as the point of contact for resolving issues not addressed by district school boards and to provide each department's participation in the following activities:

(a) Training, collaborating, and coordinating with the Department of Juvenile Justice, district school boards, educational contract providers, and juvenile justice providers, whether state operated or contracted.

(b) Collecting information on the academic performance of students in juvenile justice commitment and detention programs and reporting on the results.

(c) Developing academic and career and technical

protocols that provide guidance to district school boards and providers in all aspects of education programming, including records transfer and transition.

(d) Prescribing the roles of program personnel and interdepartmental district school board or provider collaboration strategies.

Annually, a cooperative agreement and plan for juvenile justice education service enhancement shall be developed between the Department of Juvenile Justice and the Department of Education and submitted to the Secretary of Juvenile Justice and the Commissioner of Education by June 30.

(2) Students participating in a detention, commitment, or rehabilitation program pursuant to chapter 985 which is sponsored by a community-based agency or is operated or contracted for by the Department of Juvenile Justice shall receive educational programs according to rules of the State Board of Education. These students shall be eligible for services afforded to students enrolled in programs pursuant to s. 1003.53 and all corresponding State Board of Education rules.

(3) The district school board of the county in which the residential or nonresidential care facility or juvenile assessment facility is located shall provide appropriate educational assessments and an appropriate program of instruction and special education services. The district school board shall make provisions for each student to participate in basic, career and technical education, and exceptional student programs as appropriate. Students served in Department of Juvenile Justice programs shall have access to the appropriate courses and instruction to prepare them for

the GED test. Students participating in GED preparation programs shall be funded at the basic program cost factor for Department of Juvenile Justice programs in the Florida Education Finance Program. Each program shall be conducted according to applicable law providing for the operation of public schools and rules of the State Board of Education.

(4) Educational services shall be provided at times of the day most appropriate for the juvenile justice program. School programming in juvenile justice detention, commitment, and rehabilitation programs shall be made available by the local school district during the juvenile justice school year, as defined in s. 1003.01(12).

(5) The educational program shall consist of appropriate basic academic, career and technical, or exceptional curricula and related services which support the treatment goals and reentry and which may lead to completion of the requirements for receipt of a high school diploma or its equivalent. If the duration of a program is less than 40 days, the educational component may be limited to tutorial activities and career and technical employability skills.

(6) Participation in the program by students of compulsory school-attendance age as provided for in s. 1003.21 shall be mandatory. All students of noncompulsory school-attendance age who have not received a high school diploma or its equivalent shall participate in the educational program, unless the student files a formal declaration of his or her intent to terminate school enrollment as described in s. 1003.21 and is afforded the opportunity to take the general educational development test and attain a Florida high school diploma prior to release from a facility. A youth who has received a high school diploma or its equivalent and is not

employed shall participate in workforce development or other career or technical education or community college or university courses while in the program, subject to available funding.

(7) An academic improvement plan shall be developed for students who score below the level specified in district school board policy in reading, writing, and mathematics or below the level specified by the Commissioner of Education on statewide assessments as required by s. 1008.25. These plans shall address academic, literacy, and life skills and shall include provisions for intensive remedial instruction in the areas of weakness.

(8) Each district school board shall maintain an academic record for each student enrolled in a juvenile justice facility as prescribed by s. 1003.51. Such record shall delineate each course completed by the student according to procedures in the State Course Code Directory. The district school board shall include a copy of a student's academic record in the discharge packet when the student exits the facility.

(9) The Department of Education shall ensure that all district school boards make provisions for high school level committed youth to earn credits toward high school graduation while in residential and nonresidential juvenile justice facilities. Provisions must be made for the transfer of credits and partial credits earned.

(10) The district school board shall recruit and train teachers who are interested, qualified, or experienced in educating students in juvenile justice programs. Students in juvenile justice programs shall be provided a wide range of educational programs and opportunities including textbooks,

technology, instructional support, and other resources available to students in public schools. Teachers assigned to educational programs in juvenile justice settings in which the district school board operates the educational program shall be selected by the district school board in consultation with the director of the juvenile justice facility. Educational programs in juvenile justice facilities shall have access to the substitute teacher pool utilized by the district school board. Full-time teachers working in juvenile justice schools, whether employed by a district school board or a provider, shall be eligible for the critical teacher shortage tuition reimbursement program as defined by s. 1009.58.

(11) District school boards may contract with a private provider for the provision of educational programs to youths placed with the Department of Juvenile Justice and shall generate local, state, and federal funding, including funding through the Florida Education Finance Program for such students. The district school board's planning and budgeting process shall include the needs of Department of Juvenile Justice programs in the district school board's plan for expenditures for state categorical and federal funds.

(12) The district school board shall fund the educational program in a Department of Juvenile Justice facility at the same or higher level of funding for equivalent students in the district school system based on the funds generated by state funding through the Florida Education Finance Program for such students. It is the intent of the Legislature that the school district maximize its available local, state, and federal funding to a juvenile justice program.

(a) Juvenile justice educational programs shall be

funded in the appropriate FEFP program based on the educational services needed by the student for Department of Juvenile Justice programs in accordance with s. 1011.62.

(b) Juvenile justice educational programs to receive the appropriate FEFP funding for Department of Juvenile Justice programs shall include those operated through a contract with the Department of Juvenile Justice and which are under purview of the Department of Juvenile Justice quality assurance standards for education.

(c) Consistent with the rules of the State Board of Education, district school boards are required to request an alternative FTE survey for Department of Juvenile Justice programs experiencing fluctuations in student enrollment.

(d) FTE count periods shall be prescribed in rules of the State Board of Education and shall be the same for programs of the Department of Juvenile Justice as for other public school programs. The summer school period for students in Department of Juvenile Justice programs shall begin on the day immediately following the end of the regular school year and end on the day immediately preceding the subsequent regular school year. Students shall be funded for no more than 25 hours per week of direct instruction.

(13) Each district school board shall negotiate a cooperative agreement with the Department of Juvenile Justice on the delivery of educational services to youths under the jurisdiction of the Department of Juvenile Justice. Such agreement must include, but is not limited to:

(a) Roles and responsibilities of each agency, including the roles and responsibilities of contract providers.

(b) Administrative issues including procedures for

sharing information.

(c) Allocation of resources including maximization of local, state, and federal funding.

(d) Procedures for educational evaluation for educational exceptionalities and special needs.

(e) Curriculum and delivery of instruction.

(f) Classroom management procedures and attendance policies.

(g) Procedures for provision of qualified instructional personnel, whether supplied by the district school board or provided under contract by the provider, and for performance of duties while in a juvenile justice setting.

(h) Provisions for improving skills in teaching and working with juvenile delinquents.

(i) Transition plans for students moving into and out of juvenile facilities.

(j) Procedures and timelines for the timely documentation of credits earned and transfer of student records.

(k) Methods and procedures for dispute resolution.

(l) Provisions for ensuring the safety of education personnel and support for the agreed-upon education program.

(m) Strategies for correcting any deficiencies found through the quality assurance process.

(14) Nothing in this section or in a cooperative agreement shall be construed to require the district school board to provide more services than can be supported by the funds generated by students in the juvenile justice programs.

(15)(a) The Department of Education in consultation with the Department of Juvenile Justice, district school boards, and providers shall establish objective and measurable

quality assurance standards for the educational component of residential and nonresidential juvenile justice facilities. These standards shall rate the district school board's performance both as a provider and contractor. The quality assurance rating for the educational component shall be disaggregated from the overall quality assurance score and reported separately.

(b) The Department of Education shall develop a comprehensive quality assurance review process and schedule for the evaluation of the educational component in juvenile justice programs. The Department of Juvenile Justice quality assurance site visit and the education quality assurance site visit shall be conducted during the same visit.

(c) The Department of Education, in consultation with district school boards and providers, shall establish minimum thresholds for the standards and key indicators for educational programs in juvenile justice facilities. If a district school board fails to meet the established minimum standards, it will be given 6 months to achieve compliance with the standards. If after 6 months, the district school board's performance is still below minimum standards, the Department of Education shall exercise sanctions as prescribed by rules adopted by the State Board of Education. If a provider, under contract with the district school board, fails to meet minimum standards, such failure shall cause the district school board to cancel the provider's contract unless the provider achieves compliance within 6 months or unless there are documented extenuating circumstances.

(16) The district school board shall not be charged any rent, maintenance, utilities, or overhead on such facilities. Maintenance, repairs, and remodeling of existing

facilities shall be provided by the Department of Juvenile Justice.

(17) When additional facilities are required, the district school board and the Department of Juvenile Justice shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 1013.60. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Juvenile Justice provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the district school board and the Department of Juvenile Justice and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by State Board of Education rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property.

(18) The parent of an exceptional student shall have the due process rights provided for in chapter 1003.

(19) Department of Juvenile Justice detention and commitment programs may be designated as second chance schools pursuant to s. 1003.53(1)(d). Admission to such programs shall be governed by chapter 985.

(20) The Department of Education and the Department of Juvenile Justice, after consultation with and assistance from local providers and district school boards, shall report annually to the Legislature by February 1 on the progress towards developing effective educational programs for juvenile

delinquents, including the amount of funding provided by district school boards to juvenile justice programs, the amount retained for administration including documenting the purposes for such expenses, the status of the development of cooperative agreements, the results of the quality assurance reviews including recommendations for system improvement, and information on the identification of, and services provided to, exceptional students in juvenile justice commitment facilities to determine whether these students are properly reported for funding and are appropriately served.

(21) The educational programs at the Arthur Dozier School for Boys in Jackson County and the Florida School for Boys in Okeechobee shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public or duly accredited education agencies approved by the Department of Education.

(22) The State Board of Education may adopt any rules necessary to implement the provisions of this section, including uniform curriculum, funding, and second chance schools. Such rules shall require the minimum amount of paperwork and reporting.

(23) The Department of Juvenile Justice and the Department of Education shall, in consultation with the statewide Workforce Development Youth Council, district school boards, providers, and others, jointly develop a multiagency plan for career and technical education which describes the curriculum, goals, and outcome measures for career and technical education programming in juvenile commitment facilities, pursuant to s. 985.3155.

Section 147. Section 1003.53, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1003.53 Dropout prevention and academic intervention.--

(1)(a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs shall be voluntary. District school boards may, however, assign students to a program for disruptive students. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services funded through the dropout prevention and academic intervention program based solely on the student being from a single-parent family.

(b) Students in grades 1-12 shall be eligible for dropout prevention and academic intervention programs. Eligible students shall be reported in the appropriate basic cost factor in the Florida Education Finance Program. The strategies and supports provided to eligible students shall be funded through the General Appropriations Act and may include, but are not limited to, those services identified on the student's academic intervention plan.

(c) A student shall be identified as being eligible to receive services funded through the dropout prevention and

academic intervention program based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

(d)1. "Second chance schools" means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. As partnership programs, second chance schools are eligible for waivers by the Commissioner of Education from State Board of Education rules that prevent the provision of appropriate educational services to violent,

1 severely disruptive, or delinquent students in small
2 nontraditional settings or in court-adjudicated settings.
3 2. District school boards seeking to enter into a
4 partnership with a private entity or public entity to operate
5 a second chance school for disruptive students may apply to
6 the Department of Education for startup grants. These grants
7 must be available for 1 year and must be used to offset the
8 startup costs for implementing such programs off public school
9 campuses. General operating funds must be generated through
10 the appropriate programs of the Florida Education Finance
11 Program. Grants approved under this program shall be for the
12 full operation of the school by a private nonprofit or
13 for-profit provider or the public entity. This program must
14 operate under rules adopted by the State Board of Education
15 and be implemented to the extent funded by the Legislature.
16 3. A student enrolled in a sixth, seventh, eighth,
17 ninth, or tenth grade class may be assigned to a second chance
18 school if the student meets the following criteria:
19 a. The student is a habitual truant as defined in s.
20 1003.01.
21 b. The student's excessive absences have detrimentally
22 affected the student's academic progress and the student may
23 have unique needs that a traditional school setting may not
24 meet.
25 c. The student's high incidences of truancy have been
26 directly linked to a lack of motivation.
27 d. The student has been identified as at risk of
28 dropping out of school.
29 4. A student who is habitually truant may be assigned
30 to a second chance school only if the case staffing committee,
31 established pursuant to s. 984.12, determines that such

placement could be beneficial to the student and the criteria included in subparagraph 3. are met.

5. A student may be assigned to a second chance school if the district school board in which the student resides has a second chance school and if the student meets one of the following criteria:

a. The student habitually exhibits disruptive behavior in violation of the code of student conduct adopted by the district school board.

b. The student interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide, or, while the student is under the jurisdiction of the school either in or out of the classroom, frequent conflicts of a disruptive nature occur.

c. The student has committed a serious offense which warrants suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "serious offense" is behavior which:

(I) Threatens the general welfare of students or others with whom the student comes into contact;

(II) Includes violence;

(III) Includes possession of weapons or drugs; or

(IV) Is harassment or verbal abuse of school personnel or other students.

6. Prior to assignment of students to second chance schools, district school boards are encouraged to use alternative programs, such as in-school suspension, which provide instruction and counseling leading to improved student behavior, a reduction in the incidence of truancy, and the development of more effective interpersonal skills.

7. Students assigned to second chance schools must be evaluated by the district school board's child study team before placement in a second chance school. The study team shall ensure that students are not eligible for placement in a program for emotionally disturbed children.

8. Students who exhibit academic and social progress and who wish to return to a traditional school shall complete a character development and law education program and demonstrate preparedness to reenter the regular school setting prior to reentering a traditional school.

(2)(a) Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, junior high school, or high school level. Programs designed to eliminate patterns of excessive absenteeism or habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of career education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods appropriate to the specific needs of the student.

(b) Each school that establishes a dropout prevention and academic intervention program at that school site shall reflect that program in the school improvement plan as required under s. 1001.42(16).

(3) Each district school board receiving state funding for dropout prevention and academic intervention programs through the General Appropriations Act shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate.

The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(4) Each district school board shall establish procedures for ensuring that teachers assigned to dropout prevention and academic intervention programs possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student's eligibility, the length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. The parents of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to the provisions of chapter 120.

(6) District school board dropout prevention and academic intervention programs shall be coordinated with

1 social service, law enforcement, prosecutorial, and juvenile
2 justice agencies and juvenile assessment centers in the school
3 district. Notwithstanding the provisions of s. 1002.22, these
4 agencies are authorized to exchange information contained in
5 student records and juvenile justice records. Such information
6 is confidential and exempt from the provisions of s.
7 119.07(1). District school boards and other agencies receiving
8 such information shall use the information only for official
9 purposes connected with the certification of students for
10 admission to and for the administration of the dropout
11 prevention and academic intervention program, and shall
12 maintain the confidentiality of such information unless
13 otherwise provided by law or rule.
14 (7) The State Board of Education shall have the
15 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
16 necessary to implement the provisions of this section; such
17 rules shall require the minimum amount of necessary paperwork
18 and reporting.
19 Section 148. Section 1003.54, Florida Statutes, is
20 created to read:
21 1003.54 Teenage parent programs.--
22 (1) Each district school board shall maintain a
23 teenage parent program.
24 (2) "Teenage parent programs" means educational
25 programs designed to provide a specialized curriculum to meet
26 the needs of students who are pregnant or students who are
27 mothers or fathers and the children of the students.
28 (3)(a) The program shall provide pregnant students or
29 students who are parents and the children of these students
30 with a comprehensive teenage parent program. The program shall
31 provide pregnant students or students who are parents with the

1 option of participating in regular classroom activities or
2 enrolling in a special program designed to meet their needs
3 pursuant to s. 1003.21. Students participating in teenage
4 parent programs shall be exempt from minimum attendance
5 requirements for absences related to pregnancy or parenting,
6 but shall be required to make up work missed due to absence.
7 (b) The curriculum shall include instruction in such
8 topics as prenatal and postnatal health care, parenting
9 skills, benefits of sexual abstinence, and consequences of
10 subsequent pregnancies. Parenting skills should include
11 instruction in the stages of child growth and development,
12 methods for aiding in the intellectual, language, physical,
13 and social development of children, and guidance on
14 constructive play activities.
15 (c) Provision for necessary child care, health care,
16 social services, parent education, and transportation shall be
17 ancillary service components of teenage parent programs.
18 Ancillary services may be provided through the coordination of
19 existing programs and services and through joint agreements
20 between district school boards and local school readiness
21 coalitions or other appropriate public and private providers.
22 (d) The district school board shall make adequate
23 provisions for pregnant and parenting teenagers to complete
24 the coursework necessary to earn a high school diploma.
25 (e) Children enrolled in child care provided by the
26 district shall be funded at the special program cost factor
27 pursuant to s. 1011.62 if the parent or parents are enrolled
28 full time in a public school in the district.
29 (4) Districts may modify courses listed in the State
30 Course Code Directory for the purpose of providing teenage
31 parent programs pursuant to the provisions of this section.

Such modifications must be approved by the commissioner and may include lengthening or shortening of the school time allotted for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.

(5) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

Section 149. Section 1003.55, Florida Statutes, is created to read:

1003.55 Instructional programs for blind or visually impaired students and deaf or hard-of-hearing students.--

(1) The Department of Education may establish a coordinating unit and instructional materials center for visually impaired students and deaf or hard-of-hearing students to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually impaired students and deaf or hard-of-hearing students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated under rules adopted by the State Board of Education.

(3) As used in this section, the term:

(a) "Blind student" means a student who is eligible

for special education services and who:

1. Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than 20 degrees; or

2. Has a medically indicated expectation of visual deterioration.

(b) "Braille" means the system of reading and writing through touch commonly known as standard English braille.

(c) "Individualized education program" means a written statement developed for a student eligible for special education services pursuant to s. 602(a)(20), Part A of the Individuals with Disabilities Education Act, 20 U.S.C. s. 1401(a).

(4) In developing an individualized written education program for each blind student, the presumption shall be that blind students can communicate effectively and efficiently with the same level of proficiency expected of the students' peers of comparable ability and grade level. Accordingly, proficiency in reading and writing braille shall be considered during the individualized planning and assessment processes in this context.

(5) Any publisher of a textbook adopted pursuant to the state instructional materials adoption process shall furnish the Department of Education with a computer file in an electronic format specified by the department at least 2 years in advance that is readily translatable to braille and can be used for large print or speech access. Any textbook reproduced pursuant to the provisions of this subsection shall be purchased at a price equal to the price paid for the textbook as adopted. The Department of Education shall not

reproduce textbooks obtained pursuant to this subsection in any manner that would generate revenues for the department from the use of such computer files or that would preclude the rightful payment of fees to the publisher for use of all or some portion of the textbook.

Section 150. Section 1003.56, Florida Statutes, is created to read:

1003.56 English language instruction for limited English proficient students.--

(1) Instruction in the English language shall be provided to limited English proficient students. Such instruction shall be designed to develop the student's mastery of the four language skills, including listening, speaking, reading, and writing, as rapidly as possible.

(2)(a) "Limited English proficient" or "limited English proficiency," when used with reference to an individual, means:

1.a. An individual who was not born in the United States and whose native language is a language other than English;

b. An individual who comes from a home environment where a language other than English is spoken in the home; or

c. An individual who is an American Indian or Alaskan native and who comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency; and

2. Who, by reason thereof, has sufficient difficulty speaking, reading, writing, or listening to the English language to deny such individual the opportunity to learn successfully in classrooms where the language of instruction is English.

(b) "Home language" or "native language," when used with reference to an individual of limited English proficiency, means the language normally used by such individual or, in the case of a student, the language normally used by the parents of the student.

(c) "ESOL" means English for Speakers of Other Languages and:

1. When modifying instruction, the strategy used to teach limited English proficient students; or

2. When modifying program, the program funded in the Florida Education Finance Program, listed under English for Speakers of Other Languages in s. 1011.62.

(3) Each district school board shall implement the following procedures:

(a) Develop and submit a plan for providing English language instruction for limited English proficient students to the Department of Education for review and approval.

(b) Identify limited English proficient students through assessment.

(c) Provide for student exit from and reclassification into the program.

(d) Provide limited English proficient students ESOL instruction in English and ESOL instruction or home language instruction in the basic subject areas of reading, mathematics, science, social studies, and computer literacy.

(e) Maintain a student plan.

(f) Provide qualified teachers.

(g) Provide equal access to other programs for eligible limited English proficient students based on need.

(h) Provide for parental involvement in the program.

(4) Each district school board's program for limited

English proficient students shall be evaluated and monitored periodically.

(5) The State Board of Education shall adopt rules for the purpose of implementing this section.

Section 151. Section 1003.57, Florida Statutes, is created to read:

1003.57 Exceptional students instruction.--Each district school board shall provide for an appropriate program of special instruction, facilities, and services for exceptional students as prescribed by the State Board of Education as acceptable, including provisions that:

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

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

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

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

(5) No student be given special instruction or services as an exceptional student until after he or she has been properly evaluated, classified, and placed in the manner

prescribed by rules of the State Board of Education. The parent of an exceptional student evaluated and placed or denied placement in a program of special education shall be notified of each such evaluation and placement or denial. Such notice shall contain a statement informing the parent that he or she is entitled to a due process hearing on the identification, evaluation, and placement, or lack thereof. Such hearings shall be exempt from the provisions of ss. 120.569, 120.57, and 286.011, except to the extent that the State Board of Education adopts rules establishing other procedures and any records created as a result of such hearings shall be confidential and exempt from the provisions of s. 119.07(1). The hearing must be conducted by an administrative law judge from the Division of Administrative Hearings of the Department of Management Services. The decision of the administrative law judge shall be final, except that any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to bring a civil action in the circuit court. In such an action, the court shall receive the records of the administrative hearing and shall hear additional evidence at the request of either party. In the alternative, any party aggrieved by the finding and decision rendered by the administrative law judge shall have the right to request an impartial review of the administrative law judge's order by the district court of appeal as provided by s. 120.68. Notwithstanding any law to the contrary, during the pendency of any proceeding conducted pursuant to this section, unless the district school board and the parents otherwise agree, the student shall remain in his or her then-current educational assignment or, if applying for initial admission to a public

1 school, shall be assigned, with the consent of the parents, in
2 the public school program until all such proceedings have been
3 completed.
4 (6) In providing for the education of exceptional
5 students, the district school superintendent, principals, and
6 teachers shall utilize the regular school facilities and adapt
7 them to the needs of exceptional students to the maximum
8 extent appropriate. Segregation of exceptional students shall
9 occur only if the nature or severity of the exceptionality is
10 such that education in regular classes with the use of
11 supplementary aids and services cannot be achieved
12 satisfactorily.
13 (7) In addition to the services agreed to in a
14 student's individual education plan, the district school
15 superintendent shall fully inform the parent of a student
16 having a physical or developmental disability of all available
17 services that are appropriate for the student's disability.
18 The superintendent shall provide the student's parent with a
19 summary of the student's rights.
20 Section 152. Section 1003.58, Florida Statutes, is
21 created to read:
22 1003.58 Students in residential care facilities.--Each
23 district school board shall provide educational programs
24 according to rules of the State Board of Education to students
25 who reside in residential care facilities operated by the
26 Department of Children and Family Services.
27 (1) The district school board shall not be charged any
28 rent, maintenance, utilities, or overhead on such facilities.
29 Maintenance, repairs, and remodeling of existing facilities
30 shall be provided by the Department of Children and Family
31 Services.

(2) If additional facilities are required, the district school board and the Department of Children and Family Services shall agree on the appropriate site based on the instructional needs of the students. When the most appropriate site for instruction is on district school board property, a special capital outlay request shall be made by the commissioner in accordance with s. 1013.60. When the most appropriate site is on state property, state capital outlay funds shall be requested by the Department of Children and Family Services as provided by s. 216.043 and shall be submitted as specified by s. 216.023. Any instructional facility to be built on state property shall have educational specifications jointly developed by the school district and the Department of Children and Family Services and approved by the Department of Education. The size of space and occupant design capacity criteria as provided by state board rules shall be used for remodeling or new construction whether facilities are provided on state property or district school board property. The planning of such additional facilities shall incorporate current Department of Children and Family Services deinstitutionalization plans.

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

(4) The district school board shall have a written agreement with the Department of Children and Family Services outlining the respective duties and responsibilities of each party.

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

Section 153. Part VI of chapter 1003, Florida Statutes, shall be entitled "Pilot Public K-12 Education Programs" and shall consist of ss. 1003.61-1003.63.

Section 154. Section 1003.61, Florida Statutes, is created to read:

1003.61 Pilot attendance project.--It is the purpose of this section to require the Manatee County District School Board to implement a pilot project that raises the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The pilot project applies to each child who has not attained the age of 16 years by September 30 of the school year in which a school board policy is adopted.

(1) Beginning July 1, 1999, the Manatee County District School Board shall implement a pilot project consistent with policy adopted by the school board to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years.

(2) The district school board must, before the beginning of the school year, adopt a policy for raising the compulsory age of attendance for children from the age of 16 years to 18 years.

(a) Before the adoption of the policy, the district school board must provide a notice of intent to adopt a policy to raise the compulsory age of attendance for children from the age of 16 years to the age of 18 years. The notice must be

provided to the parent of each child who is 15 years of age and who is enrolled in a school in the district.

(b) Within 2 weeks after adoption of the school board policy, the district school board must provide notice of the policy to the parent of each child who is 15 years of age and who is enrolled in a school in the district. The notice must also provide information related to the penalties for refusing or failing to comply with the compulsory attendance requirements and information on alternative education programs offered within the school district.

(3) All state laws and State Board of Education rules related to students subject to compulsory school attendance apply to the district school board. Notwithstanding the provisions of s. 1003.21, the formal declaration of intent to terminate school enrollment does not apply to the district school board.

(4) The district school board must evaluate the effect of its adopted policy raising the compulsory age of attendance on school attendance and on the school district's dropout rate, as well as on the costs associated with the pilot project. The school district shall report its findings to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, the Governor, and the Commissioner of Education not later than August 1 following each year that the pilot project is in operation.

Section 155. Section 1003.62, Florida Statutes, is created to read:

1003.62 Charter school districts pilot program.--The State Board of Education is authorized to enter into a performance contract with up to six district school boards for

the purpose of establishing them as charter school districts. The State Board of Education shall give priority to Hillsborough and Volusia Counties upon the submission of a completed precharter agreement or charter proposal for a charter school district. The purpose of this pilot program is to examine a new relationship between the State Board of Education and district school boards that may produce significant improvements in student achievement and school management, while complying with constitutional requirements assigned to each entity.

(1) CHARTER DISTRICT.--A charter school district is a school district in Florida in which the district school board has submitted and the State Board of Education has approved a charter proposal that exchanges statutory and rule exemption for agreement to meet performance goals in the proposal. The charter school district shall be chartered for 3 years, at the end of which the performance shall be evaluated.

(2) EXEMPTION FROM STATUTES AND RULES.--Charter school districts shall be exempt from state statutes and specified State Board of Education rules. The district school board of a charter school district shall not be exempt from any statute governing election of district school board members, public meetings and public records requirements, financial disclosure, conflicts of interest, operation in the sunshine, or any provisions outside the Florida K-20 Education Code.

(3) GOVERNING BOARD.--The governing board of the charter school district shall be the duly elected district school board. The district school board shall be responsible for supervising the schools in the charter district and is authorized to charter each of its existing public schools pursuant to s. 1002.33, apply for deregulation of its public

1 schools pursuant to s. 1003.63, or otherwise establish
2 performance-based contractual relationships with its public
3 schools for the purpose of giving them greater autonomy with
4 accountability for performance.
5 (4) PRECHARTER AGREEMENT.--The State Board of
6 Education is authorized to approve a precharter agreement with
7 a potential charter district. The agreement may grant limited
8 flexibility and direction for developing the full charter
9 proposal.
10 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
11 authorized for a period of 3 full school years commencing with
12 award of a charter. The charter may be renewed upon action of
13 the State Board of Education.
14 (6) REPORTS.--The State Board of Education shall
15 annually report on the implementation of the charter school
16 district pilot program. Upon the completion of the first
17 3-year term, the State Board of Education, through the
18 Commissioner of Education, shall submit to the Legislature a
19 full evaluation of the effectiveness of the program.
20 (7) RULEMAKING.--The State Board of Education shall
21 have the authority to enact rules to implement this section in
22 accordance with ss. 120.536 and 120.54.
23 Section 156. Section 1003.63, Florida Statutes, is
24 created to read:
25 1003.63 Deregulated public schools pilot program.--
26 (1) PILOT PROGRAM.--To provide public schools the same
27 flexibility and accountability afforded charter schools, pilot
28 programs for deregulated public schools shall be conducted.
29 The following districts are authorized to conduct pilot
30 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
31 Walton, and Citrus Counties. The schools and district school

boards which are participating in the pilot program as of January 1, 1999, are authorized to continue the pilot program through the 2003-2004 school year. Lee County is authorized to conduct the pilot program beginning in the 1999-2000 school year through the 2003-2004 school year.

(2) PURPOSE.--The purpose of the pilot program for deregulated public schools shall be to:

(a) Improve student learning.

(b) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as academically low achieving.

(c) Encourage the use of different and innovative learning methods.

(d) Increase choice of learning opportunities for students.

(e) Establish a new form of accountability for schools.

(f) Require the measurement of learning outcomes and create innovative measurement tools.

(g) Make the school the unit for improvement.

(h) Relieve schools of paperwork and procedures that are required by the state and the district school board for purposes other than health, safety, equal opportunity, fiscal accountability and documentation of student achievement.

(3) PROPOSAL.--

(a) A proposal to be a deregulated school must be developed by the school principal and the school advisory council. A majority of the members of the school advisory council must approve the proposal, and the principal and the school advisory council chair must sign the proposal. At least 50 percent of the teachers employed at the school must approve

the proposal. The school must conduct a survey to show parental support for the proposal.

(b) A district school board shall receive and review all proposals for a deregulated public school. A district school board must by a majority vote approve or deny a proposal no later than 30 days after the proposal is received. If a proposal is denied, the district school board must, within 10 calendar days, articulate in writing the specific reasons based upon good cause supporting its denial of the proposal.

(c) The Department of Education may provide technical assistance to an applicant upon written request.

(d) The terms and conditions for the operation of a deregulated public school shall be set forth in the proposal. The district school board shall not impose unreasonable rules or regulations that violate the intent of giving schools greater flexibility to meet educational goals.

(4) ELIGIBLE STUDENTS.--

(a) A deregulated school shall be open to all students residing in the school's attendance boundaries as determined by the district school board.

(b) The deregulated public school shall have maximum flexibility to enroll students under the district school board open enrollment plan.

(5) REQUIREMENTS.--Like other public schools, a deregulated public school shall:

(a) Be nonsectarian in its programs, admission policies, employment practices, and operations.

(b) Not charge tuition or fees, except those fees normally charged by other public schools.

(c) Meet all applicable state and local health,

safety, and civil rights requirements.

(d) Not violate the antidiscrimination provisions of s. 1000.05.

(e) Be subject to an annual financial audit in a manner similar to that of other public schools in the district.

(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.

(a) The proposal shall address, and criteria for approval of the proposal shall be based on:

1. The school's mission and the students to be served.

2. The focus of the curriculum, the instructional methods to be used, and any distinctive instructional techniques to be employed.

3. The current baseline standard of achievement and the outcomes to be achieved and the method of measurement that will be used.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the school. Students in deregulated public schools shall, at a minimum, participate in the statewide assessment program.

5. In secondary schools, a method for determining that a student has satisfied the requirements for graduation in s. 1003.43.

6. A method for resolving conflicts between the school and the district.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct.

8. The ways by which the school's racial/ethnic

balance reflects the community it serves or reflects the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school including a statement of the areas in which the school will have administrative and fiscal autonomy and the areas in which the school will follow district school board fiscal and administrative policies.

10. The manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

11. The qualifications to be required of the teachers.

(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. 1008.345.

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

4. Salary and benefit levels of school employees.

(c) A district school board shall ensure that the proposal is innovative and consistent with the state education goals established by s. 1000.03(5).

(d) Upon receipt of the annual report required by paragraph (b), the Department of Education shall provide 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 assessment tests, versus comparable public school students in the district as determined by FCAT and district assessment tests and, as appropriate, the Florida Writes Assessment Test, and other assessments administered pursuant to s. 1008.22(3).

(7) EXEMPTION FROM STATUTES.--

(a) A deregulated public school shall operate in accordance with its proposal and shall be exempt from all statutes of the Florida K-20 Education Code, except those pertaining to civil rights and student health, safety, and welfare, or as otherwise required by this section. A deregulated public school shall not be exempt from the following statutes: chapter 119, relating to public records, and s. 286.011, relating to public meetings and records, public inspection, and penalties. The school district, upon request of a deregulated public school, may apply to the State Board of Education for a waiver of provisions of law applicable to deregulated public schools under this section, except that the provisions of chapter 1010 or chapter 1011 shall not be eligible for waiver if the waiver would affect funding allocations or create inequity in public school funding. The State Board of Education may grant the waiver if necessary to implement the school program.

(b) A deregulated public school may employ or contract with skilled selected noncertified personnel to provide instructional services or to assist instructional staff members as education paraprofessionals in the same manner as

defined in chapter 1012. A deregulated public school may not employ an individual to provide instructional services or to serve as an education paraprofessional if the individual's certification or licensure as an educator is suspended or revoked by this or any other state. The qualifications of teachers shall be disclosed to parents.

(c) A deregulated public school shall employ or contract with employees who have been fingerprinted as provided in s. 1012.32.

(8) REVENUE.--Students enrolled in a deregulated public school shall be funded in a basic program or a special program in the same manner as students enrolled in other public schools in the school district.

(9) LENGTH OF SCHOOL YEAR.--A deregulated public school shall provide instruction for at least the number of days required by law for other public schools, and may provide instruction for additional days.

(10) FACILITIES.--A deregulated public school shall utilize facilities which comply with the State Uniform Building Code for Public Educational Facilities Construction adopted pursuant to s. 1013.37, or with applicable state minimum building codes pursuant to chapter 553 and state minimum fire protection codes pursuant to s. 633.025, as adopted by the authority in whose jurisdiction the facility is located.

Section 157. Chapter 1004, Florida Statutes, shall be entitled "Public Postsecondary Education" and shall consist of ss. 1004.01-1004.98.

Section 158. Part I of chapter 1004, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1004.01-1004.06.

Amendment No. ___ (for drafter's use only)

Section 159. Section 1004.01, Florida Statutes, is created to read:

1004.01 Statement of purpose and mission.--

(1) The Legislature finds it in the public interest to provide a system of postsecondary education which is of the highest possible quality; which enables all students to participate in the search for knowledge and individual development; which stresses undergraduate teaching as its main priority; which offers selected professional, graduate, and research programs with emphasis on state and national needs; which fosters diversity of educational opportunity; which promotes service to the public; which makes effective and efficient use of human and physical resources; which functions cooperatively with other educational institutions and systems; and which promotes internal coordination and the wisest possible use of resources.

(2) The mission of the state system of postsecondary education is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses, and to develop in students heightened intellectual, cultural, and humane sensitivities; scientific, professional, and technological expertise; and a sense of purpose. Inherent in this broad mission are methods of instruction, research, extended training, and public service designed to educate people and improve the human condition.

Section 160. Section 1004.02, Florida Statutes, is created to read:

1004.02 Definitions.--As used in this chapter:

(1) "Adult basic education" means courses of instruction designed to improve the employability of the

state's workforce through instruction in mathematics, reading, language, and workforce readiness skills at grade level equivalency 0-8.9.

(2) "Adult ESOL" or "adult ESL" means noncredit English literacy courses designed to improve the employability of the state's workforce through acquisition of communication skills and cultural competencies that enhance ability to read, write, speak, and listen in English. ESOL means English for Speakers of Other Languages. ESL means English as a Second Language. The two terms are interchangeable.

(3) "Adult general education" means comprehensive instructional programs designed to improve the employability of the state's workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, vocational-preparatory instruction, and instruction for adults with disabilities.

(4) "Adult high school credit program" means the award of credits upon completion of courses and passing of state mandated assessments necessary to qualify for a high school diploma. Except as provided elsewhere in law, the graduation standards for adults shall be the same as those for secondary students.

(5) "Adult secondary education" means courses through which a person receives high school credit that leads to the award of a high school diploma or courses of instruction through which a student prepares to take the General Educational Development test.

(6) "Adult student" is a student who is beyond the compulsory school age and who has legally left elementary or secondary school, or a high school student who is taking an adult course required for high school graduation.

(7) "Adult with disability" means an individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment, and who requires modifications to the educational program, adaptive equipment, or specialized instructional methods and services in order to participate in workforce development programs that lead to competitive employment.

(8) "Applied technology diploma program" means a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. An applied technology diploma program may consist of either technical credit or college credit. A public school district may offer an applied technology diploma program only as technical credit, with college credit awarded to a student upon articulation to a community college. Statewide articulation among public schools and community colleges is guaranteed by s. 1007.23, and is subject to guidelines and standards adopted by the State Board of Education pursuant to ss. 1007.24 and 1007.25.

(9) "Basic literacy," means the demonstration of academic competence from 2.0 through 5.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(10) "Beginning literacy" means the demonstration of academic competence from 0 through 1.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.

(11) "College-preparatory instruction" means courses through which a high school graduate who applies for any college credit program may attain the communication and

computation skills necessary to enroll in college credit instruction.

(12) "Community education" means the use of a school or other public facility as a community center operated in conjunction with other public, private, and governmental organizations for the purpose of providing educational, recreational, social, cultural, health, and community services for persons in the community in accordance with the needs, interests, and concerns of that community, including lifelong learning.

(13) "Continuing workforce education" means instruction that does not result in a technical certificate, diploma, associate in applied science degree, or associate in science degree. Continuing workforce education is for:

(a) Individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body;

(b) New or expanding businesses as described in chapter 288;

(c) Business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or

(d) Individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment.

(14) "Technical degree education program" means a course of study that leads to an associate in applied science degree or an associate in science degree. A technical degree program may contain within it one or more program progression points and may lead to certificates or diplomas within the

1 course of study. The term is interchangeable with the term
2 "degree career education program." For licensure purposes, the
3 term "associate in science degree" is interchangeable with
4 "associate in applied science degree."
5 (15) "Family literacy" means a program for adults with
6 a literacy component for parents and children or other
7 intergenerational literacy components.
8 (16) "Functional literacy," which is also referred to
9 as "intermediate adult basic education," means the
10 demonstration of academic competence from 6.0 through 8.9
11 educational grade levels as measured by means approved for
12 this purpose by the State Board of Education.
13 (17) "General Educational Development (GED) test
14 preparation" means courses of instruction designed to prepare
15 adults for success on GED subject area tests leading to
16 qualification for a State of Florida high school diploma.
17 (18) "Lifelong learning" means a noncredit course or
18 activity offered by a school district or community college
19 that seeks to address community social and economic issues
20 related to health and human relations, government, parenting,
21 consumer economics, and senior citizens.
22 (19) "Local educational agency" means a community
23 college or school district.
24 (20) "Local sponsor" means a district school board,
25 community college board of trustees, public library, other
26 public entity, or private nonprofit entity, or any combination
27 of these entities, that provides adult literacy instruction.
28 (21) "Technical certificate program" means a course of
29 study that leads to at least one occupational completion
30 point. The program may also confer credit that may articulate
31 with a diploma or technical degree education program, if

authorized by rules of the State Board of Education. Any credit instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the Department of Education pursuant to chapter 1007. The term is interchangeable with the term "certificate career and technical education program."

(22) "Occupational completion point" means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program.

(23) "Career and technical education planning region" means the geographic area in which career and technical or adult education is provided. Each career and technical region is contiguous with one of the 28 community college service areas.

(24) "Vocational-preparatory instruction" means adult general education through which persons attain academic and workforce readiness skills at the level of functional literacy (grade levels 6.0-8.9) or higher so that such persons may pursue technical certificate education or higher-level technical education.

(25) "Career and technical program" means a group of identified competencies leading to occupations identified by a Classification of Instructional Programs number.

(26) "Workforce development education" means adult general education or career and technical education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a technical certificate, an applied technology diploma, or a technical degree.

(27) "Workforce literacy" means the basic skills necessary to perform in entry-level occupations or the skills

necessary to adapt to technological advances in the workplace.

Section 161. Section 1004.03, Florida Statutes, is created to read:

1004.03 Program approval.--

(1) The State Board of Education shall establish criteria for the approval of new programs at state universities, which criteria include, but are not limited to, the following:

(a) New programs may not be approved unless the same objectives cannot be met through use of educational technology.

(b) Unnecessary duplication of programs offered by public and independent institutions shall be avoided.

(c) Cooperative programs, particularly within regions, should be encouraged.

(d) New programs shall be approved only if they are consistent with the state master plans adopted by the State Board of Education.

(e) A new graduate-level program may be approved if:

1. The university has taken into account the offerings of its counterparts, including institutions in other sectors, particularly at the regional level.

2. The addition of the program will not alter the emphasis on undergraduate education.

3. The regional need and demand for the graduate program was addressed and the community needs are obvious.

(2) The State Board of Education shall establish criteria for the approval of new programs at community colleges, which criteria include, but are not limited to, the following:

(a) New programs may not be approved unless the same

objectives cannot be met through use of educational technology.

(b) Unnecessary duplication of programs offered by independent institutions shall be avoided.

(c) Cooperative programs, particularly within regions, should be encouraged.

(d) New programs may be approved only if they are consistent with the state master plan adopted by the State Board of Education.

(3) New colleges, schools, or functional equivalents of any program leading to a degree that is offered as a credential for a specific license granted under the Florida Statutes or the State Constitution shall not be established without the specific approval of the Legislature.

Section 162. Section 1004.04, Florida Statutes, is created to read:

1004.04 Public accountability and state approval for teacher preparation programs.--

(1) INTENT.--The Legislature recognizes that skilled teachers make an important contribution to a system that allows students to obtain a high-quality education. The intent of the Legislature is to establish a system for development and approval of teacher preparation programs that will free postsecondary teacher preparation institutions to employ varied and innovative teacher preparation techniques while being held accountable for producing graduates with the competencies and skills necessary to achieve the state education goals; help the state's diverse student population, including students with limited English proficiency, meet high standards for academic achievement; maintain safe, secure classroom learning environments; and sustain the state system

of school improvement and education accountability established pursuant to ss. 1000.03(5) and 1008.345. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 that establish uniform core curricula for each state-approved teacher preparation program.

(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A system developed by the Department of Education in collaboration with postsecondary educational institutions shall assist departments and colleges of education in the restructuring of their programs to meet the need for producing quality teachers now and in the future. The system must be designed to assist teacher educators in conceptualizing, developing, implementing, and evaluating programs that meet state-adopted standards. These standards shall emphasize quality indicators drawn from research, professional literature, recognized guidelines, Florida essential teaching competencies and educator-accomplished practices, effective classroom practices, and the outcomes of the state system of school improvement and education accountability, as well as performance measures. Departments and colleges of education shall emphasize the state system of school improvement and education accountability concepts and standards, including Sunshine State Standards. State-approved teacher preparation programs must incorporate appropriate English for Speakers of Other Languages instruction so that program graduates will have completed the requirements for teaching limited English proficient students in Florida public schools.

(3) INITIAL STATE PROGRAM APPROVAL.--

(a) A program approval process based on standards adopted pursuant to subsection (2) must be established for postsecondary teacher preparation programs, phased in

according to timelines determined by the Department of Education, and fully implemented for all teacher preparation programs in the state. Each program shall be approved by the department, consistent with the intent set forth in subsection (1) and based primarily upon significant, objective, and quantifiable graduate performance measures.

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students to meet the following as prerequisites for admission into the program:

1. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule.

2. Demonstrate mastery of general knowledge, including the ability to read, write, and compute, by passing the College Level Academic Skills Test, a corresponding component of the National Teachers Examination series, or a similar test pursuant to rules of the State Board of Education.

Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification.

(4) CONTINUED PROGRAM APPROVAL.--Notwithstanding subsection (3), failure by a public or nonpublic teacher

preparation program to meet the criteria for continued program approval shall result in loss of program approval. The Department of Education, in collaboration with the departments and colleges of education, shall develop procedures for continued program approval that document the continuous improvement of program processes and graduates' performance.

(a) Continued approval of specific teacher preparation programs at each public and nonpublic postsecondary educational institution within the state is contingent upon the passing of the written examination required by s. 1012.56 by at least 90 percent of the graduates of the program who take the examination. On request of an institution, the Department of Education shall provide an analysis of the performance of the graduates of such institution with respect to the competencies assessed by the examination required by s. 1012.56.

(b) Additional criteria for continued program approval for public institutions may be approved by the State Board of Education. Such criteria must emphasize instruction in classroom management and must provide for the evaluation of the teacher candidates' performance in this area. The criteria shall also require instruction in working with underachieving students. Program evaluation procedures must include, but are not limited to, program graduates' satisfaction with instruction and the program's responsiveness to local school districts. Additional criteria for continued program approval for nonpublic institutions shall be developed in the same manner as for public institutions; however, such criteria must be based upon significant, objective, and quantifiable graduate performance measures. Responsibility for collecting data on outcome measures through survey instruments and other

appropriate means shall be shared by the postsecondary educational institutions and the Department of Education. By January 1 of each year, the Department of Education shall report this information for each postsecondary educational institution that has state-approved programs of teacher education to the Governor, the State Board of Education, the Commissioner of Education, the President of the Senate, the Speaker of the House of Representatives, all Florida postsecondary teacher preparation programs, and interested members of the public. This report must analyze the data and make recommendations for improving teacher preparation programs in the state.

(c) Continued approval for a teacher preparation program is contingent upon the results of annual reviews of the program conducted by the postsecondary educational institution, using procedures and criteria outlined in an institutional program evaluation plan approved by the Department of Education. This plan must incorporate the criteria established in paragraphs (a) and (b) and include provisions for involving primary stakeholders, such as program graduates, district school personnel, classroom teachers, principals, community agencies, and business representatives in the evaluation process. Upon request by an institution, the department shall provide assistance in developing, enhancing, or reviewing the institutional program evaluation plan and training evaluation team members.

(d) Continued approval for a teacher preparation program is contingent upon standards being in place that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in higher-level mathematics concepts and in the use of technology at the

1 appropriate grade level.
2 (e) Continued approval of teacher preparation programs
3 is contingent upon compliance with the student admission
4 requirements of subsection (3) and upon the receipt of at
5 least a satisfactory rating from public schools and private
6 schools that employ graduates of the program. Employer
7 satisfaction shall be determined by an annually administered
8 survey instrument approved by the Department of Education
9 that, at a minimum, must include employer satisfaction of the
10 graduates' ability to do the following:
11 1. Write and speak in a logical and understandable
12 style with appropriate grammar.
13 2. Recognize signs of students' difficulty with the
14 reading and computational process and apply appropriate
15 measures to improve students' reading and computational
16 performance.
17 3. Use and integrate appropriate technology in
18 teaching and learning processes.
19 4. Demonstrate knowledge and understanding of Sunshine
20 State Standards.
21 (f)1. Each Florida public and private institution that
22 offers a state-approved teacher preparation program must
23 annually report information regarding these programs to the
24 state and the general public. This information shall be
25 reported in a uniform and comprehensible manner that is
26 consistent with definitions and methods approved by the
27 Commissioner of the National Center for Educational Statistics
28 and that is approved by the State Board of Education. This
29 information must include, at a minimum:
30 a. The percent of graduates obtaining full-time
31 teaching employment within the first year of graduation.

b. The average length of stay of graduates in their full-time teaching positions.

c. Satisfaction ratings required in paragraph (e).

2. Each public and private institution offering training for school readiness related professions, including training in the fields of child care and early childhood education, whether offering technical credit, associate in applied science degree programs, associate in science degree programs, or associate in arts degree programs, shall annually report information regarding these programs to the state and the general public in a uniform and comprehensible manner that conforms with definitions and methods approved by the State Board of Education. This information must include, at a minimum:

a. Average length of stay of graduates in their positions.

b. Satisfaction ratings of graduates' employers.

This information shall be reported through publications, including college and university catalogs and promotional materials sent to potential applicants, secondary school guidance counselors, and prospective employers of the institution's program graduates.

(5) PRESERVICE FIELD EXPERIENCE.--All postsecondary instructors, school district personnel and instructional personnel, and school sites preparing instructional personnel through preservice field experience courses and internships shall meet special requirements.

(a) All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships shall have at least

one of the following: specialized training in clinical supervision; a valid professional teaching certificate pursuant to ss. 1012.56 and 1012.585; or at least 3 years of successful teaching experience in prekindergarten through grade 12.

(b) All school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training and must successfully demonstrate effective classroom management strategies that consistently result in improved student performance. The State Board of Education shall approve the training requirements.

(c) Preservice field experience programs must provide specific guidance and demonstration of effective classroom management strategies, strategies for incorporating technology into classroom instruction, and ways to link instructional plans to the Sunshine State Standards, as appropriate. The length of structured field experiences may be extended to ensure that candidates achieve the competencies needed to meet certification requirements.

(d) Postsecondary teacher preparation programs in cooperation with district school boards and approved private school associations shall select the school sites for preservice field experience activities. These sites must represent the full spectrum of school communities, including, but not limited to, schools located in urban settings. In order to be selected, school sites must demonstrate commitment to the education of public school students and to the preparation of future teachers.

(6) STANDARDS OF EXCELLENCE.--The State Board of Education shall approve standards of excellence for teacher

preparation. These standards must exceed the requirements for program approval pursuant to subsection (3) and must incorporate state and national recommendations for exemplary teacher preparation programs.

(7) NATIONAL BOARD STANDARDS.--The State Board of Education shall review standards and recommendations developed by the National Board for Professional Teaching Standards and may incorporate those parts deemed appropriate into criteria for continued state program approval, standards of excellence, and requirements for inservice education.

(8) COMMUNITY COLLEGES.--To the extent practical, postsecondary educational institutions offering teacher preparation programs shall establish articulation agreements on a core of liberal arts courses and introductory professional courses with field experience components which shall be offered at community colleges.

(9) PRETEACHER AND TEACHER EDUCATION PILOT PROGRAMS.--State universities and community colleges may establish preteacher education and teacher education pilot programs to encourage promising minority students to prepare for a career in education. These pilot programs shall be designed to recruit and provide additional academic, clinical, and counseling support for students whom the institution judges to be potentially successful teacher education candidates, but who may not meet teacher education program admission standards. Priority consideration shall be given to those pilot programs that are jointly submitted by community colleges and state universities.

(a) These pilot programs shall be approved by the State Board of Education and shall be designed to provide help and support for program participants during the preteacher

education period of general academic preparation at a community college or state university and during professional preparation in a state-approved teacher education program. Emphasis shall be placed on development of the basic skills needed by successful teachers.

(b) State universities and community colleges may admit into the pilot program those incoming students who demonstrate an interest in teaching as a career, but who may not meet the requirements for entrance into an approved teacher education program.

1. Flexibility may be given to colleges of education to develop and market innovative teacher training programs directed at specific target groups such as graduates from the colleges of arts and sciences, employed education paraprofessionals, substitute teachers, early federal retirees, and nontraditional college students. Programs must be submitted to the State Board of Education for approval.

2. Academically successful graduates in the fields of liberal arts and science may be encouraged to embark upon a career in education.

3. Models may be developed to provide a positive initial experience in teaching in order to encourage retention. Priority should be given to models that encourage minority graduates.

(c) In order to be certified, a graduate from a pilot program shall meet all requirements for teacher certification specified by s. 1012.56. Should a graduate of a pilot program not meet the requirements of s. 1012.56, that person shall not be included in the calculations required by paragraph (4)(a) and State Board of Education rules for continued program approval, or in the statutes used by the State Board of

Education in deciding which teacher education programs to approve.

(d) Institutions participating in the pilot program shall submit an annual report evaluating the success of the program to the Commissioner of Education by March 1 of each year. The report shall contain, but shall not be limited to: the number of pilot program participants, including the number participating in general education and the number admitted to approved teacher education programs, the number of pilot program graduates, and the number of pilot program graduates who met the requirements of s. 1012.56. The commissioner shall consider the number of participants recruited, the number of graduates, and the number of graduates successfully meeting the requirements of s. 1012.56 reported by each institution, and shall make an annual recommendation to the State Board of Education regarding the institution's continued participation in the pilot program.

(10) TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs shall be established at the University of Central Florida, the University of North Florida, and the University of South Florida. These programs shall include a year-long paid teaching assignment and competency-based learning experiences and shall be designed to encourage high-achieving students, as identified by the institution, to pursue a career in education. Students chosen to participate in the pilot programs shall agree to teach for at least 1 year after they receive their degrees. Criteria for identifying high-achieving students shall be developed by the institution and shall include, at a minimum, requirements that the student have a 3.3 grade point average or above and that the student

has demonstrated mastery of general knowledge pursuant to s. 1012.56. The year-long paid teaching assignment shall begin after completion of the equivalent of 3 years of the state university teacher preparation program.

(a) Each pilot program shall be designed to include:

1. A year-long paid teaching assignment at a specified school site during the fourth year of the state university teacher preparation program, which includes intense supervision by a support team trained in clinical education. The support team shall include a state university supervisor and experienced school-based mentors. A mentor teacher shall be assigned to each fourth year employed teacher to implement an individualized learning plan. This mentor teacher will be considered an adjunct professor for purposes of this program and may receive credit for time spent as a mentor teacher in the program. The mentor teacher must have a master's degree or above, a minimum of 3 years of teaching experience, and clinical education training or certification by the National Board of Professional Teaching Standards. Experiences and instruction may be delivered by other mentors, assigned teachers, professors, individualized learning, and demonstrations. Students in this paid teaching assignment shall assume full responsibility of all teaching duties.

2. Professional education curriculum requirements that address the educator-accomplished practices and other competencies specified in state board rule.

3. A modified instructional delivery system that provides onsite training during the paid teaching assignment in the professional education areas and competencies specified in this subsection. The institutions participating in this pilot program shall be given a waiver to provide a modified

instructional delivery system meeting criteria that allows earned credit through nontraditional approaches. The modified system may provide for an initial evaluation of the candidate's competencies to determine an appropriate individualized professional development plan and may provide for earned credit by:

a. Internet learning and competency acquisition.

b. Learning acquired by observing demonstrations and being observed in application.

c. Independent study or instruction by mentor teachers or adjunct teachers.

4. Satisfactory demonstration of the educator-accomplished practices and content area competencies for program completion.

5. For program completion, required achievement of passing scores on all tests required for certification by State Board of Education rules.

(b) Beginning in July 2003, each institution participating in the pilot program shall submit to the Commissioner of Education an annual report evaluating the effectiveness of the program. The report shall include, but shall not be limited to, the number of students selected for the pilot program, the number of students successfully completing the pilot program, the number of program participants who passed all required examinations, the number of program participants who successfully demonstrated all required competencies, and a followup study to determine the number of pilot program completers who were employed in a teaching position and employers' satisfaction with the performance of pilot program completers.

(c) This subsection shall be implemented to the extent

specifically funded in the General Appropriations Act.

(11) RULES.--The State Board of Education shall adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 163. Section 1004.05, Florida Statutes, is created to read:

1004.05 Substance abuse training programs.--

(1) Each state university and community college may develop courses designed for public school teachers, counselors, physicians, law enforcement personnel, and other professionals to assist them in recognizing symptoms of substance abuse impairment and identifying appropriate service providers for referral and treatment.

(2) Such courses may be made available to students who are currently enrolled and for continuing education units.

Section 164. Section 1004.06, Florida Statutes, is created to read:

1004.06 Prohibited expenditures.--No community college, state university, community college direct-support organization, or state university direct-support organization shall expend any funds, regardless of source, to purchase membership in, or goods and services from, any organization that discriminates on the basis of race, national origin, gender, or religion.

Section 165. Part II of chapter 1004, Florida Statutes, shall be entitled "State Universities" and shall consist of ss. 1004.21-1004.62.

Section 166. Part II.a. of chapter 1004, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1004.21-1004.32.

Section 167. Section 1004.21, Florida Statutes, is

created to read:

1004.21 State universities; legislative intent.--It is the legislative intent that state universities be constituted as public corporations of the state and be operated by a board of trustees as provided in s. 1001.74.

Section 168. Section 1004.22, Florida Statutes, is created to read:

1004.22 Divisions of sponsored research at state universities.--

(1) Each university is authorized to create, as it deems advisable, divisions of sponsored research which will serve the function of administration and promotion of the programs of research, including sponsored training programs, of the university at which they are located. A division of sponsored research created under the provisions of this section shall be under the supervision of the president of that university.

(2) The university shall set such policies to regulate the activities of the divisions of sponsored research as it may consider necessary to effectuate the purposes of this act and to administer the research programs in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state. To this end, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of research conducted within the state universities shall be confidential and exempt from the provisions of s. 119.07(1), except that a division of sponsored research shall make

available upon request the title and description of a research project, the name of the researcher, and the amount and source of funding provided for such project.

(3) The president of the university where a division of sponsored research is created, or his or her designee, is authorized to negotiate, enter into, and execute research contracts; to solicit and accept research grants and donations; and to fix and collect fees, other payments, and donations that may accrue by reason thereof. The president or his or her designee may negotiate, enter into, and execute contracts on a cost-reimbursement basis and may provide temporary financing of such costs prior to reimbursement from moneys on deposit in a sponsored research development fund, except as may be prohibited elsewhere by law.

(4) A division of sponsored research shall be financed from the moneys of a university which are on deposit or received for use in the research or related programs of that particular university. Such moneys shall be deposited by the university in a permanent sponsored research development fund.

(5) Moneys deposited in the permanent sponsored research development fund of a university shall be disbursed in accordance with the terms of the contract, grant, or donation under which they are received. Moneys received for overhead or indirect costs and other moneys not required for the payment of direct costs shall be applied to the cost of operating the division of sponsored research. Any surplus moneys shall be used to support other research or sponsored training programs in any area of the university. Transportation and per diem expense allowances shall be the same as those provided by law in s. 112.061, except that personnel performing travel under a sponsored research

subcontract may be reimbursed for travel expenses in accordance with the provisions of the applicable prime contract or grant and the travel allowances established by the subcontractor, subject to the requirements of subsection (7), or except as provided in subsection (11).

(6)(a) Each university shall submit to the State Board of Education a report of the activities of each division of sponsored research together with an estimated budget for the next fiscal year.

(b) Not less than 90 days prior to the convening of each regular session of the Legislature in which an appropriation shall be made, the State Board of Education shall submit to the chair of the appropriations committee of each house of the Legislature a compiled report, together with a compiled estimated budget for the next fiscal year. A copy of such report and estimated budget shall be furnished to the Governor, as the chief budget officer of the state.

(7) All purchases of a division of sponsored research shall be made in accordance with the policies and procedures of the university; however, upon certification addressed to the university president that it is necessary for the efficient or expeditious prosecution of a research project, the president may exempt the purchase of material, supplies, equipment, or services for research purposes shall be exempt from the general purchasing requirement of the Florida Statutes.

(8) The university may authorize the construction, alteration, or remodeling of buildings when the funds used are derived entirely from the sponsored research development fund of a university or from that fund in combination with other nonstate sources, provided that such construction, alteration,

or remodeling is for use exclusively in the area of research; it also may authorize the acquisition of real property when the cost is entirely from said funds. Title to all real property purchased prior to January 7, 2003, or with funds appropriated by the Legislature shall vest in the Board of Trustees of the Internal Improvement Trust Fund and shall only be transferred or conveyed by it.

(9) The sponsored research programs of the Institute of Food and Agricultural Sciences, the University of Florida Health Science Center, and the engineering and industrial experiment station shall continue to be centered at the University of Florida as heretofore provided by law. Indirect cost reimbursements of all grants deposited in the Division of Sponsored Research shall be distributed directly to the above units in direct proportion to the amounts earned by each unit.

(10) The operation of the divisions of sponsored research and the conduct of the sponsored research program are expressly exempted from the provisions of any other laws or portions of laws in conflict herewith and are, subject to the requirements of subsection (7), exempted from the provisions of chapters 215, 216, and 283.

(11) The divisions of sponsored research may pay, by advancement or reimbursement, or a combination thereof, the costs of per diem of university employees and of other authorized persons, as defined in s. 112.061(2)(e), for foreign travel up to the current rates as stated in the grant and contract terms and may also pay incidental expenses as authorized by s. 112.061(8). This subsection applies to any university employee traveling in foreign countries for sponsored programs of the university, if such travel expenses are approved in the terms of the contract or grant. The

provisions of s. 112.061, other than those relating to per diem, apply to the travel described in this subsection. As used in this subsection, "foreign travel" means any travel outside the United States and its territories and possessions and Canada. Persons traveling in foreign countries pursuant to this section shall not be entitled to reimbursements or advancements pursuant to s. 112.061(6)(a)2. for such travel.

(12) Each division of sponsored research is authorized to advance funds to any principal investigator who, under the contract or grant terms, will be performing a portion of his or her research at a site that is remote from the university. Funds shall be advanced only to employees who have executed a proper power of attorney with the university to ensure the proper collection of such advanced funds if it becomes necessary. As used in this subsection, the term "remote" means so far removed from the university as to render normal purchasing and payroll functions ineffective.

(13) Each university board of trustees is authorized to adopt rules, as necessary, to administer this section.

Section 169. Section 1004.23, Florida Statutes, is created to read:

1004.23 Universities; powers; patents, copyrights, and trademarks.--Any other law to the contrary notwithstanding, each state university is authorized, in its own name, to:

(1) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any work products and to enforce its rights therein. The university shall consider contributions by university personnel in the development of trademarks, copyrights, and patents and shall enter into written contracts with such personnel establishing the interests of the university and such personnel in each

trademark, copyright, or patent.

(2) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as the university shall deem proper.

(3) Take any action necessary, including legal action, to protect the same against improper or unlawful use or infringement.

(4) Enforce the collection of any sums due the university for the manufacture or use thereof by any other party.

(5) Sell any of the same and execute all instruments necessary to consummate any such sale.

(6) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the university, including adopting rules, as necessary, in order to administer this section. Any proceeds therefrom shall be deposited and expended in accordance with s. 1004.22. Any action taken by the university in securing or exploiting such trademarks, copyrights, or patents shall, within 30 days, be reported in writing by the president to the Department of State.

Section 170. Section 1004.24, Florida Statutes, is created to read:

1004.24 State Board of Education authorized to secure liability insurance.--

(1) The State Board of Education is authorized to secure, or otherwise provide as a self-insurer, or by a combination thereof, comprehensive general liability insurance, including professional liability for health care and veterinary sciences, for:

(a) The State Board of Education and its officers and members.

(b) A university board of trustees and its officers and members.

(c) The faculty and other employees and agents of a university board of trustees.

(d) The students of a state university.

(e) A state university or any college, school, institute, center, or program thereof.

(f) Any not-for-profit corporation organized pursuant to chapter 617, and the directors, officers, employees, and agents thereof, which is affiliated with a state university, if the corporation is operated for the benefit of the state university in a manner consistent with the best interests of the state, and if such participation is approved by a self-insurance program council, the university president, and the board of trustees.

(2) In the event the State Board of Education adopts a self-insurance program, a governing council chaired by the vice president for health affairs or his or her academic equivalent shall be established to administer the program and its duties and responsibilities, including the administration of self-insurance program assets and expenditure policies, which shall be defined in rules as authorized by this section. The council shall have an annual actuary review performed to establish funding requirements to maintain the fiscal integrity of the self-insurance program. The assets of a self-insurance program shall be deposited outside the State Treasury and shall be administered in accordance with rules as authorized by this section.

(3) Any self-insurance program created under this

section shall be funded by the entities and individuals protected by such program. There shall be no funds appropriated to any self-insurance program. The assets of the self-insurance program shall be the property of the State Board of Education and shall be used only to pay the administrative expenses of the self-insurance program and to pay any claim, judgment, or claims bill arising out of activities for which the self-insurance program was created. Investment income that is in excess of that income necessary to ensure the solvency of a self-insurance program as established by a casualty actuary may be used to defray the annual contribution paid into the program by the entities and individuals protected by the program.

(4) No self-insurance program adopted by the State Board of Education may sue or be sued. The claims files of any such program are privileged and confidential, exempt from the provisions of s. 119.07(1), and are only for the use of the program in fulfilling its duties. Any self-insurance trust fund and revenues generated by that fund shall only be used to pay claims and administration expenses.

(5) Each self-insurance program council shall make provision for an annual postaudit of its financial accounts to be conducted by an independent certified public accountant. The annual audit report must include a management letter and shall be submitted to the State Board of Education for review. The State Board of Education shall have the authority to require and receive from the self-insurance program council or from its independent auditor any detail or supplemental data relative to the operation of the self-insurance program.

(6) The State Board of Education may make such rules as are necessary to carry out the provisions of this section.

Section 171. Section 1004.25, Florida Statutes, is created to read:

1004.25 State universities; payment of costs of civil action.--A university may defray all costs of defending any civil action brought against any officer or employee of the university for any act or omission arising out of and in the course of the performance of his or her duties and responsibilities, which costs may include reasonable attorney's fees and expenses together with costs of appeal, and may save harmless and protect such person from any financial loss resulting from the lawful performance of his or her duties and responsibilities. Claims based on such actions or omissions may be settled prior to or after the filing of suit thereon. The university may arrange for and pay the premium for appropriate insurance to cover all such losses and expenses. The university may use funds available, not subject to the obligation of contract, covenant, or trust, to carry out the purposes of this section in the amount necessary. Failure by the university to perform any act authorized by this section shall not constitute a cause of action against the university or its members, officers, or employees.

Section 172. Section 1004.28, Florida Statutes, is created to read:

1004.28 Direct-support organizations; use of property; board of directors; activities; audit; facilities.--

(1) DEFINITIONS.--For the purposes of this section:

(a) "University direct-support organization" means an organization which is:

1. A Florida corporation not for profit incorporated under the provisions of chapter 617 and approved by the Department of State.

1 2. Organized and operated exclusively to receive,
2 hold, invest, and administer property and to make expenditures
3 to or for the benefit of a state university in Florida or for
4 the benefit of a research and development park or research and
5 development authority affiliated with a state university and
6 organized under part V of chapter 159.
7 3. An organization that a state university board of
8 trustees, after review, has certified to be operating in a
9 manner consistent with the goals of the university and in the
10 best interest of the state. Any organization that is denied
11 certification by the board of trustees shall not use the name
12 of the university that it serves.
13 (b) "Personal services" includes full-time or
14 part-time personnel as well as payroll processing.
15 (2) USE OF PROPERTY.--
16 (a) Each state university board of trustees is
17 authorized to permit the use of property, facilities, and
18 personal services at any state university by any university
19 direct-support organization, and, subject to the provisions of
20 this section, direct-support organizations may establish
21 accounts with the State Board of Administration for investment
22 of funds pursuant to part IV of chapter 218.
23 (b) The board of trustees shall prescribe by rule
24 conditions with which a university direct-support organization
25 must comply in order to use property, facilities, or personal
26 services at any state university. Such rules shall provide
27 for budget and audit review and oversight by the board of
28 trustees.
29 (c) The board of trustees shall not permit the use of
30 property, facilities, or personal services at any state
31 university by any university direct-support organization that

does not provide equal employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(3) BOARD OF DIRECTORS.--The chair of the university board of trustees may appoint a representative to the board of directors and the executive committee of any direct-support organization established under this section. The president of the university for which the direct-support organization is established, or his or her designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit that university.

(4) ACTIVITIES; RESTRICTION.--A university direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the university.

(5) ANNUAL AUDIT.--Each direct-support organization shall provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8) and by the university board of trustees. The annual audit report shall be submitted, within 9 months after the end of the fiscal year, to the Auditor General and the State Board of Education for review. The State Board of Education, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require

and receive from the organization or from its independent auditor any records relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization other than the auditor's report, management letter, and any supplemental data requested by the State Board of Education, the university board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall be confidential and exempt from the provisions of s. 119.07(1).

(6) FACILITIES.--In addition to issuance of indebtedness pursuant to s. 1010.60(2), each direct-support organization is authorized to enter into agreements to finance, design and construct, lease, lease-purchase, purchase, or operate facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the State Board of Education. Such agreements are subject to the provisions of s. 1013.171.

(7) ANNUAL BUDGETS AND REPORTS.--Each direct-support organization shall submit to the university president and the State Board of Education its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

Section 173. Section 1004.29, Florida Statutes, is created to read:

1004.29 University health services support organizations.--

(1) Each state university is authorized to establish

1 university health services support organizations which shall
2 have the ability to enter into, for the benefit of the
3 university academic health sciences center, arrangements with
4 other entities as providers in other integrated health care
5 systems or similar entities. To the extent required by law or
6 rule, university health services support organizations shall
7 become licensed as insurance companies, pursuant to chapter
8 624, or be certified as health maintenance organizations,
9 pursuant to chapter 641. University health services support
10 organizations shall have sole responsibility for the acts,
11 debts, liabilities, and obligations of the organization. In
12 no case shall the state or university have any responsibility
13 for such acts, debts, liabilities, and obligations incurred or
14 assumed by university health services support organizations.
15 (2) Each university health services support
16 organization shall be a Florida corporation not for profit,
17 incorporated under the provisions of chapter 617 and approved
18 by the Department of State.
19 (3) A state university board of trustees may
20 prescribe, by rule, conditions with which a university health
21 services support organization must comply in order to be
22 certified and to use property, facilities, or personal
23 services at any state university. The rules must provide for
24 budget, audit review, and oversight by the board of trustees.
25 Such rules shall provide that the university health services
26 support organization may provide salary supplements and other
27 compensation or benefits for university faculty and staff
28 employees only as set forth in the organization's budget,
29 which shall be subject to approval by the university
30 president.
31 (4) The chair of the university board of trustees may

appoint a representative to the board of directors and the executive committee of any university health services support organization established under this section. The president of the university for which the university health services support organization is established, or the president's designee, shall also serve on the board of directors and the executive committee of any university health services support organization established to benefit that university.

(5) Each university health services support organization shall provide for an annual financial audit in accordance with s. 1004.28(5). The auditor's report, management letter, and any supplemental data requested by the State Board of Education, the university board of trustees, and the Auditor General shall be considered public records, pursuant to s. 119.07.

Section 174. Section 1004.30, Florida Statutes, is created to read:

1004.30 University health services support organization; confidentiality of information.--

(1) All meetings of a governing board of a university health services support organization and all university health services support organization records shall be open and available to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution and chapter 119 and s. 24(a), Art. I of the State Constitution, respectively, unless made confidential or exempt by law. Records required by the Department of Insurance to discharge its duties shall be made available to the department upon request.

(2) The following university health services support organization's records and information are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art.

I of the State Constitution:

(a) Contracts for managed care arrangements under which the university health services support organization provides health care services, preferred provider organization contracts, health maintenance organization contracts, alliance network arrangements, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed care arrangements or alliance network arrangements. As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(b) Each university health services support organization's marketing plan the disclosure of which may reasonably be expected by the organization's governing board to be used by a competitor or an affiliated provider of the organization to frustrate, circumvent, or exploit the purposes of the plan before it is implemented and which is not otherwise known or cannot be legally obtained by a competitor or an affiliated provider. However, documents that are submitted to the organization's governing board as part of the

board's approval of the organization's budget, and the budget itself, are not confidential and exempt.

(c) Trade secrets, as defined in s. 688.002, including reimbursement methodologies and rates.

(d) The records of the peer review panels, committees, governing board, and agents of the university health services support organization which relate solely to the evaluation of health care services and professional credentials of health care providers and physicians employed by or providing services under contract to the university health services support organization. The exemptions created by this paragraph shall not be construed to impair any otherwise established rights of an individual health care provider to inspect documents concerning the determination of such provider's professional credentials.

(3) Any portion of a governing board or peer review panel or committee meeting during which a confidential and exempt contract, document, record, marketing plan, or trade secret, as provided for in subsection (2), is discussed is exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.

(4) Those portions of any public record, such as a tape recording, minutes, and notes, generated during that portion of a governing board or peer review panel or committee meeting which is closed to the public pursuant to this section, which contain information relating to contracts, documents, records, marketing plans, or trade secrets which are made confidential and exempt by this section, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) The exemptions from s. 119.07(1) and s. 24(a),

Art. I of the State Constitution and s. 286.011 and s. 24(b), Art. I of the State Constitution provided in this section do not apply if the governing board of a university health services support organization votes to lease, sell, or transfer all or any substantial part of the facilities or property of the university health services support organization to a nonpublic entity.

(6) Any person may petition a court of competent jurisdiction for an order for the public release of those portions of any public record, such as a tape recording, minutes, or notes, generated during that portion of a governing board meeting which is closed to the public pursuant to subsection (3), which record is made confidential and exempt by subsection (4). Any action pursuant to this subsection must be brought in the county where the principal office of the university health services support organization is located, as reflected in the records of the Secretary of State. In any order for the public release of a record pursuant to this subsection, the court shall make a finding that a compelling public interest is served by the release of the record or portions thereof which exceeds the public necessity for maintaining the confidentiality of such record as described in s. 2, chapter 96-171, Laws of Florida, and that the release of the record will not cause damage to or adversely affect the interests of private persons, business entities, the university health services support organization, or the affiliated university.

(7) Those portions of any public record, such as a tape recording, minutes, or notes, generated during that portion of a governing board meeting at which negotiations for contracts for managed-care arrangements occur, are reported

on, or are acted on by the governing board, which record is made confidential and exempt by subsection (4), shall become public records 2 years after the termination or completion of the term of the contract to which such negotiations relate or, if no contract was executed, 2 years after the termination of the negotiations. Notwithstanding paragraph (2)(a) and subsection (4), a university health services support organization must make available, upon request, the title and general description of a contract for managed-care arrangements, the names of the contracting parties, and the duration of the contract term. All contracts for managed-care arrangements which are made confidential and exempt by paragraph (2)(a), except those portions of any contract containing trade secrets which are made confidential and exempt by paragraph (2)(c), shall become public 2 years after the termination or completion of the term of the contract.

(8) A university health services support organization may petition a court of competent jurisdiction to continue the confidentiality of any public record made nonconfidential by this section, upon a showing of good cause. In determining good cause, the court shall balance the property, privacy, and economic interests of any affected person or business entity with those of the university health services support organization and with the public interest and must make a finding that a substantial public interest is served by the continued confidentiality of the public record for an additional time period. The length of time for this continued exemption may be no longer than is necessary to protect that substantial public interest.

(9) This act does not preclude discovery of records and information that are otherwise discoverable under the

Florida Rules of Civil Procedure or any statutory provision allowing discovery or presuit disclosure of such records and information for the purpose of civil actions.

Section 175. Section 1004.31, Florida Statutes, is created to read:

1004.31 Assent to Hatch Act and Morrill Land-Grant Act.--The assent of the Legislature is given to the provisions and requirements of the Acts of Congress commonly known as the "Hatch Act of 1887," the "First Morrill Act of 1862," the "Second Morrill Act of 1890," and all acts supplemental thereto. The University of Florida Board of Trustees may receive grants of money appropriated for the benefit of the University of Florida Institute of Food and Agricultural Sciences in the case of the First Morrill Act, the Hatch Act, and all acts supplemental thereto. The Florida Agricultural and Mechanical University Board of Trustees may receive grants of money appropriated for the benefit of Florida Agricultural and Mechanical University in the case of the Second Morrill Act and all acts supplemental thereto. The provisions of chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776, 1870, Laws of Florida, are made applicable to said universities insofar as the same are or can be made effective; and all estate, right, property claim, and emoluments, and the rents and issues thereof, or any substitutions thereof, and all claims and demands arising or that may or can arise thereunder, or any Act of Congress in that regard, are hereby preserved, maintained, and transferred to the University of Florida Board of Trustees and the Florida Agricultural and Mechanical University Board of Trustees for the use and benefit of said universities under the terms of said acts.

Section 176. Section 1004.32, Florida Statutes, is

created to read:

1004.32 New College of Florida.--

(1) MISSION AND GOALS.--New College of Florida with a campus in Sarasota County serves a distinctive mission as the 4-year residential liberal arts honors college of the State of Florida. To maintain this mission, New College of Florida has the following goals:

(a) To provide a quality education to students of high ability who, because of their ability, deserve a program of study that is both demanding and stimulating.

(b) To engage in undergraduate educational reform by combining educational innovation with educational excellence.

(c) To provide programs of study that allow students to design their educational experience as much as possible in accordance with their individual interests, values, and abilities.

(d) To challenge undergraduates not only to master existing bodies of knowledge but also to extend the frontiers of knowledge through original research.

(2) ACCREDITATION.--As soon as possible, New College of Florida shall apply to the Commission on Colleges of the Southern Association of Colleges and Schools for separate accreditation.

(3) BOARD OF TRUSTEES.--The Governor shall appoint 12 members to the Board of Trustees, to serve 4-year staggered terms, as follows:

(a) Three residents of Sarasota County.

(b) Two residents of Manatee County.

(c) Until the expiration date of the terms of office of the members who are on the board June 30, 2001, seven members selected from the Board of Trustees of the New College

1 Foundation.
2
3 In addition, the student body president shall serve ex officio
4 as a voting member of the board of trustees.
5 Section 177. Part II.b. of chapter 1004, Florida
6 Statutes, shall be entitled "Branch Campuses, Centers,
7 Institutes, and Special Programs" and shall consist of ss.
8 1004.33-1004.62.
9 Section 178. Section 1004.33, Florida Statutes, is
10 created to read:
11 1004.33 The University of South Florida St.
12 Petersburg.--
13 (1) The St. Petersburg campus of the University of
14 South Florida is established and shall be known as the
15 "University of South Florida St. Petersburg."
16 (a) The Legislature intends that the University of
17 South Florida St. Petersburg be operated and maintained as a
18 separate organizational and budget entity of the University of
19 South Florida, and that all legislative appropriations for the
20 University of South Florida St. Petersburg be set forth as
21 separate line items in the annual General Appropriations Act.
22 (b) The University of South Florida St. Petersburg
23 shall have a Campus Board and a Campus Executive Officer.
24 (c) As soon as possible, but no later than the
25 effective date of this act, the President of the University of
26 South Florida shall begin the process of application to the
27 Commission on Colleges of the Southern Association of Colleges
28 and Schools for separate accreditation of the University of
29 South Florida St. Petersburg. If the application is not
30 approved or is provisionally approved, the University of South
31 Florida shall correct any identified deficiencies and shall

1 continue to work for accreditation.
2 (2) The Board of Trustees of the University of South
3 Florida shall appoint to the Campus Board, from
4 recommendations of the President of the University of South
5 Florida, five residents of Pinellas County. If a resident of
6 Pinellas County is appointed to the Board of Trustees of the
7 University of South Florida, the board shall appoint that
8 member to serve jointly as a member of the Campus Board. If
9 more than one Pinellas County resident is appointed to the
10 Board of Trustees, the board shall select one joint member.
11 The Board of Trustees may reappoint a member to the Campus
12 Board for one additional term. The Campus Board has the powers
13 and duties provided by law, which include the authority to:
14 (a) Review and approve an annual legislative budget
15 request to be submitted to the Commissioner of Education. The
16 Campus Executive Officer shall prepare the legislative budget
17 request in accordance with guidelines established by the State
18 Board of Education. This request must include items for campus
19 operations and fixed capital outlay.
20 (b) Approve and submit an annual operating plan and
21 budget for review and consultation by the Board of Trustees of
22 the University of South Florida. The campus operating budget
23 must reflect the actual funding available to that campus from
24 separate line-item appropriations contained in each annual
25 General Appropriations Act, which line-item appropriations
26 must initially reflect the funds reported to the Legislature
27 for the University of South Florida St. Petersburg campus for
28 fiscal year 2000-2001 and any additional funds provided in the
29 fiscal year 2001-2002 legislative appropriation.
30 (c) Enter into central support services contracts with
31 the Board of Trustees of the University of South Florida for

any services that the St. Petersburg campus cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the St. Petersburg campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida St. Petersburg shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus

operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) The following entities are not affected by this section and remain under the administrative control of the University of South Florida:

(a) The University of South Florida College of Marine Science, which is a component college of the main campus.

(b) The Florida Institute of Oceanography, which is a Type One Institute.

(c) The University of South Florida Pediatric Research Center.

(d) The University of South Florida/USGS joint facility.

1 Section 179. Section 1004.34, Florida Statutes, is
2 created to read:
3 1004.34 The University of South Florida
4 Sarasota/Manatee.--
5 (1) The Sarasota/Manatee campus of the University of
6 South Florida is established and shall be known as the
7 "University of South Florida Sarasota/Manatee."
8 (a) The Legislature intends that the University of
9 South Florida Sarasota/Manatee be operated and maintained as a
10 separate organizational and budget entity of the University of
11 South Florida and that all legislative appropriations for the
12 University of South Florida Sarasota/Manatee be set forth as
13 separate line items in the annual General Appropriations Act.
14 (b) The University of South Florida Sarasota/Manatee
15 shall have a Campus Board and a Campus Executive Officer.
16 (c) As soon as possible, but no later than July 1,
17 2002, the President of the University of South Florida shall
18 begin the process of application to the Commission on Colleges
19 of the Southern Association of Colleges and Schools for
20 separate accreditation of the University of South Florida
21 Sarasota/Manatee. If the application is not approved or is
22 provisionally approved, the University of South Florida shall
23 correct any identified deficiencies and shall continue to work
24 for accreditation.
25 (2) The Board of Trustees of the University of South
26 Florida shall appoint to the Campus Board, from
27 recommendations of the President of the University of South
28 Florida, three residents of Manatee County and two residents
29 of Sarasota County, to serve 4-year staggered terms. If one or
30 more residents of Sarasota County or Manatee County are
31 appointed to the Board of Trustees of the University of South

Florida, the board shall, at the next vacancy of the Campus Board, appoint one of those members to serve jointly as a member of the Campus Board. The Board of Trustees may reappoint a member to the Campus Board for one additional term. The Campus Board has the powers and duties provided by law, which include the authority to:

(a) Review and approve an annual legislative budget request to be submitted to the Commissioner of Education. The Campus Executive Officer shall prepare the legislative budget request in accordance with guidelines established by the State Board of Education. This request must include items for campus operations and fixed capital outlay.

(b) Approve and submit an annual operating plan and budget for review and consultation by the Board of Trustees of the University of South Florida. The campus operating budget must reflect the actual funding available to that campus from separate line-item appropriations contained in each annual General Appropriations Act, which line-item appropriations must initially reflect the funds reported to the Legislature for the University of South Florida Sarasota/Manatee campus for fiscal year 2000-2001 and any additional funds provided in the fiscal year 2001-2002 legislative appropriation.

(c) Enter into central support services contracts with the Board of Trustees of the University of South Florida for any services that the campus at Sarasota/Manatee cannot provide more economically, including payroll processing, accounting, technology, construction administration, and other desired services. However, all legal services for the campus must be provided by a central services contract with the university. The Board of Trustees of the University of South Florida and the Campus Board shall determine in a letter of

agreement any allocation or sharing of student fee revenue between the University of South Florida's main campus and the Sarasota/Manatee campus.

The Board of Trustees of the University of South Florida may lawfully delegate other powers and duties to the Campus Board for the efficient operation and improvement of the campus and for the purpose of vesting in the campus the attributes necessary to meet the requirements for separate accreditation by the Southern Association of Colleges and Schools.

(3) The University of South Florida Sarasota/Manatee shall be administered by a Campus Executive Officer who shall be appointed by, report directly to, and serve at the pleasure of the President of the University of South Florida. The President shall consult with the Campus Board before hiring or terminating the Campus Executive Officer. The Campus Executive Officer has authority and responsibility as provided in law, including the authority to:

(a) Administer campus operations within the annual operating budget as approved by the Campus Board.

(b) Recommend to the Campus Board an annual legislative budget request that includes funding for campus operations and fixed capital outlay.

(c) Recommend to the Campus Board an annual campus operating budget.

(d) Recommend to the Campus Board appropriate services and terms and conditions to be included in annual central support services contracts.

(e) Carry out any additional responsibilities assigned or delegated by the President of the University of South Florida for the efficient operation and improvement of the

campus, especially any authority necessary for the purpose of vesting in the campus attributes necessary to meet the requirements for separate accreditation.

(4) Students enrolled at the University of South Florida, including those enrolled at a branch campus, have the same rights and obligations as provided by law, policy, or rule adopted by the University of South Florida, the Florida Department of Education, or other lawful entity. The University of South Florida shall provide a comprehensive and coordinated system of student registration so that a student enrolled at any campus of the University of South Florida has the ability to register for courses at any other campus of the University of South Florida.

(5) Promote technology transfer between the research operations of the University of South Florida and local economic development agencies.

Section 180. Section 1004.35, Florida Statutes, is created to read:

1004.35 Broward County campuses of Florida Atlantic University; coordination with other institutions.--The State Board of Education and Florida Atlantic University shall consult with Broward Community College and Florida International University in coordinating course offerings at the postsecondary level in Broward County. Florida Atlantic University may contract with the Board of Trustees of Broward Community College and with Florida International University to provide instruction in courses offered at the Southeast Campus. Florida Atlantic University shall increase course offerings at the Southeast Campus as facilities become available.

Section 181. Section 1004.36, Florida Statutes, is

1 created to read:

2 1004.36 Florida Atlantic University campuses.--

3 (1) The Broward County campuses of Florida Atlantic
4 University are hereby established as a partner of the Florida
5 Atlantic University campus in Boca Raton. The Broward County
6 campuses of Florida Atlantic University shall be known as
7 "Florida Atlantic University Broward." The Boca Raton campuses
8 of Florida Atlantic University shall be known as "Florida
9 Atlantic University Boca Raton." The office of the president
10 shall be at the campus in Boca Raton.

11 (2) Florida Atlantic University shall develop and
12 administer a separate budget for Florida Atlantic University
13 Broward. The budget shall include, at a minimum, an allocation
14 of those operating and capital outlay funds appropriated
15 annually by the Legislature in the General Appropriations Act
16 for the Broward campuses; a proportional share, based on
17 student credit hours produced at the Broward campuses, of any
18 allocations received by the university from student tuition
19 and fees, except for athletic fees, specifically authorized by
20 law; all overhead charges from sponsored research conducted on
21 the Broward campuses; and all revenues derived from vending
22 funds, auxiliary enterprises and contracts, and grants and
23 donations, as authorized by s. 1011.91, which result from
24 activities on Broward campuses. Florida Atlantic University
25 Broward and Florida Atlantic University Boca Raton may pay
26 reasonable charges to appropriate levels of administration of
27 Florida Atlantic University for services delivered
28 universitywide.

29 (3) The Florida Atlantic University Board of Trustees
30 shall take all actions necessary to ensure that Florida
31 Atlantic University Broward and Florida Atlantic University

Boca Raton are partners in the overall policymaking and academic governance structures of the university. Annual legislative budget requests for operations and facilities shall separately identify those funds requested for Florida Atlantic University Broward and Florida Atlantic University Boca Raton. Florida Atlantic University Broward and Florida Atlantic University Boca Raton shall have local management authority over their campus faculty, staff, and programs, but there shall be universitywide standards and processes for evaluating requests for promotion and tenure; there shall be complete transferability of credits and uniform programs across campuses; and colleges operating on multiple campuses shall have only one dean for each college. Florida Atlantic University Broward shall establish a faculty senate and may establish a direct-support organization. Any such direct-support organization shall be subject to s. 1004.28(5).

(4) The State Board of Education, as a function of its comprehensive master planning process, shall continue to evaluate the need for undergraduate programs in Broward County and shall assess the extent to which existing postsecondary programs are addressing those needs.

Section 182. Section 1004.37, Florida Statutes, is created to read:

1004.37 County or area extension programs; cooperation between counties and University of Florida and Florida Agricultural and Mechanical University.--

(1) The Florida Cooperative Extension Service is administered through the University of Florida and is supported programmatically by the University of Florida and Florida Agricultural and Mechanical University in collaboration with individual county governments. County or

1 area extension programs will be developed, based on local
2 situations, needs, and problems, supported by scientific and
3 technical information developed by the University of Florida,
4 Florida Agricultural and Mechanical University, the United
5 States Department of Agriculture, and other sources of
6 research information. This information will be made available
7 through the local program, with the aid of research scientists
8 and extension specialists of the University of Florida
9 Institute of Food and Agricultural Sciences and Florida
10 Agricultural and Mechanical University.
11 (2) In each county or other geographic subdivision the
12 board of county commissioners or other legally constituted
13 governing body will annually determine the extent of its
14 financial participation in cooperative extension work. The
15 extent of such financial participation by the counties will
16 influence the number of county extension agents and clerical
17 staff employed and the scope of the local extension program.
18 (3) Boards of county commissioners or other legally
19 constituted governing bodies will approve or disapprove of
20 persons recommended for extension positions in the county. If
21 the governing body of the county notifies the extension
22 service by resolution that it wants a list of three qualified
23 candidates, then the extension service shall, for each
24 position, make its recommendation by submitting a list of not
25 fewer than three qualified persons, or all qualified persons
26 if three or fewer. From this list, the board of county
27 commissioners, or other legally constituted governing body,
28 shall make its selection. If none of the persons recommended
29 are approved, the extension service shall continue to submit
30 lists of not fewer than three additional qualified persons
31 until one person is selected. If the governing body of the

county does not forward such a resolution to the extension service, the extension service shall recommend one qualified candidate to the governing body. If a person recommended is not approved, the extension service shall recommend another qualified candidate and shall repeat this procedure as necessary until one person is selected. Extension agents so appointed will be staff members of the University of Florida or Florida Agricultural and Mechanical University, depending on the source of funds. It is the responsibility of the cooperative extension service to determine qualifications for positions.

(4) Although county extension agents are jointly employed by the state universities and federal and county governments for the purposes of administration of the cooperative extension service, the personnel policies and procedures of the University of Florida or Florida Agricultural and Mechanical University, depending on appointment, will apply except in those instances when federal legislation or the basic memorandum of understanding is applicable.

(5) The University of Florida will provide county extension personnel in the county with supervision and resources for planning and programming and is responsible for the programming process. The Florida Cooperative Extension Service will make available needed program materials to the extension agents through the subject matter specialists or through other resource persons available from within the university. It will be responsible for maintaining a high level of technical competence in the county extension staff through a continuous program of inservice training.

(6) The county extension director will report

1 periodically to the board of county commissioners or other
2 legally constituted governing body on programs underway and
3 results in the county. Each board of county commissioners or
4 other legally constituted governing body will develop a plan
5 which will enable it to be kept informed on the progress and
6 results of the local extension program so that its own
7 knowledge of program needs and problems may become a part of
8 the educational work carried on by the agents. Such plan shall
9 provide for a means of communicating the board's satisfaction
10 with the extension program to the county extension director
11 and the cooperative extension service.
12 Section 183. Section 1004.38, Florida Statutes, is
13 created to read:
14 1004.38 Master of science program in speech-language
15 pathology; Florida International University.--A master of
16 science degree program in speech-language pathology is hereby
17 authorized at Florida International University.
18 Section 184. Section 1004.39, Florida Statutes, is
19 created to read:
20 1004.39 College of law at Florida International
21 University.--
22 (1) A college of law is authorized at Florida
23 International University.
24 (2) The college of law at Florida International
25 University must be operated in compliance with the standards
26 approved by nationally recognized associations for accredited
27 colleges of law.
28 (3) The college of law at Florida International
29 University, to the extent consistent with the standards
30 required by the American Bar Association or any other
31 nationally recognized association for the accreditation of

colleges of law, shall develop a law library collection utilizing electronic formats and mediums.

(4) The college of law at Florida International University shall develop and institute a program that is consistent with sound legal education principles as determined by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law and that, to the extent consistent with such sound legal education principles, is structured to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service.

(5) The Florida International University Board of Trustees shall commence the planning of a college of law at Florida International University. In planning the college of law, the Florida International University Board of Trustees and the State Board of Education may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida International University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida International University, the State Board of Education shall make recommendations to the Governor and the Legislature as to whether the college of law will

cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida International University and the authority of the Florida International University Board of Trustees and the State Board of Education provided in this section shall terminate upon the cessation of operations of the college of law at Florida International University. The college of law at Florida International University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida International University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida International University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida International University Board of Trustees upon the cessation of the college of law.

Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the

Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida International University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.

(6) The college of law at Florida International University shall be dedicated to providing opportunities for minorities to attain representation within the legal profession proportionate to their representation in the general population; however, the college of law shall not include preferences in the admissions process for applicants on the basis of race, national origin, or gender.

Section 185. Section 1004.40, Florida Statutes, is created to read:

1004.40 College of law at Florida Agricultural and Mechanical University.--

(1) A college of law is authorized at Florida Agricultural and Mechanical University.

(2) The college of law at Florida Agricultural and Mechanical University must be operated in compliance with the standards approved by nationally recognized associations for accredited colleges of law.

(3) The college of law at Florida Agricultural and Mechanical University, to the extent consistent with the standards required by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law, shall develop a law library collection utilizing electronic formats and mediums.

(4) The college of law at Florida Agricultural and Mechanical University shall develop and institute a program

that is consistent with sound legal education principles as determined by the American Bar Association or any other nationally recognized association for the accreditation of colleges of law and that, to the extent consistent with such sound legal education principles, is structured to serve the legal needs of traditionally underserved portions of the population by providing an opportunity for participation in a legal clinic program or pro bono legal service.

(5) The Florida Agricultural and Mechanical University Board of Trustees shall commence the planning of a college of law under the auspices of Florida Agricultural and Mechanical University to be located in the I-4 corridor area. In planning the college of law, the Florida Agricultural and Mechanical University Board of Trustees and the State Board of Education may accept grants, donations, gifts, and moneys available for this purpose, including moneys for planning and constructing the college. The Florida Agricultural and Mechanical University Board of Trustees may procure and accept any federal funds that are available for the planning, creation, and establishment of the college of law. Classes must commence by the fall semester 2003. If the American Bar Association or any other nationally recognized association for the accreditation of colleges of law issues a third disapproval of an application for provisional approval or for full approval or fails to grant, within 5 years following the graduation of the first class, a provisional approval, to the college of law at Florida Agricultural and Mechanical University, the State Board of Education shall make recommendations to the Governor and Legislature as to whether the college of law will cease operations at the end of the full academic year subsequent to the receipt by the college of law of any such third

disapproval, or whether the college of law will continue operations and any conditions for continued operations. If the college of law ceases operations of the college of law pursuant to this section, the following conditions apply:

(a) The authority for the college of law at Florida Agricultural and Mechanical University and the authority of the Florida Agricultural and Mechanical University Board of Trustees and the State Board of Education provided in this section shall terminate upon the cessation of operations of the college of law at Florida Agricultural and Mechanical University. The college of law at Florida Agricultural and Mechanical University shall receive no moneys allocated for the planning, construction, or operation of the college of law after its cessation of operations other than moneys to be expended for the cessation of operations of the college of law. Any moneys allocated to the college of law at Florida Agricultural and Mechanical University not expended prior to or scheduled to be expended after the date of the cessation of the college of law shall be appropriated for other use by the Legislature of the State of Florida.

(b) Any buildings of the college of law at Florida Agricultural and Mechanical University constructed from the expenditure of capital outlay funds appropriated by the Legislature shall be owned by the Board of Trustees of the Internal Improvement Trust Fund and managed by the Florida Agricultural and Mechanical University Board of Trustees upon the cessation of the college of law.

Nothing in this section shall undermine commitments to current students receiving support as of the date of the enactment of this section from the law school scholarship program of the

Florida Education Fund as provided in s. 1009.70(8). Students attending the college of law at Florida Agricultural and Mechanical University shall be eligible for financial, academic, or other support from the Florida Education Fund as provided in s. 1009.70(8) without the college's obtaining accreditation by the American Bar Association.

(6) The college of law at Florida Agricultural and Mechanical University shall be dedicated to providing opportunities for minorities to attain representation within the legal profession proportionate to their representation in the general population; however, the college of law shall not include preferences in the admissions process for applicants on the basis of race, national origin, or gender.

Section 186. Section 1004.41, Florida Statutes, is created to read:

1004.41 University of Florida; J. Hillis Miller Health Center.--

(1) There is established the J. Hillis Miller Health Center at the University of Florida, including campuses at Gainesville and Jacksonville and affiliated teaching hospitals, which shall include the following colleges:

(a) College of Dentistry.

(b) College of Health Professions.

(c) College of Medicine.

(d) College of Nursing.

(e) College of Pharmacy.

(f) College of Veterinary Medicine and related teaching hospitals.

(2) Each college of the health center shall be so maintained and operated as to comply with the standards approved by a nationally recognized association for

1 accreditation.
2 (3)(a) The University of Florida Health Center
3 Operations and Maintenance Trust Fund shall be administered by
4 the University of Florida Board of Trustees. Funds shall be
5 credited to the trust fund from the sale of goods and services
6 performed by the University of Florida Veterinary Medicine
7 Teaching Hospital. The purpose of the trust fund is to support
8 the instruction, research, and service missions of the
9 University of Florida College of Veterinary Medicine.
10 (b) Notwithstanding the provisions of s. 216.301, and
11 pursuant to s. 216.351, any balance in the trust fund at the
12 end of any fiscal year shall remain in the trust fund and
13 shall be available for carrying out the purposes of the trust
14 fund.
15 (4)(a) The University of Florida Board of Trustees
16 shall lease the hospital facilities of the health center,
17 known as the Shands Teaching Hospital and Clinics on the
18 campus of the University of Florida and all furnishings,
19 equipment, and other chattels or choses in action used in the
20 operation of the hospital, to a private not-for-profit
21 corporation organized solely for the purpose of operating the
22 hospital and ancillary health care facilities of the health
23 center and other health care facilities and programs
24 determined to be necessary by the board of the nonprofit
25 corporation. The rental for the hospital facilities shall be
26 an amount equal to the debt service on bonds or revenue
27 certificates issued solely for capital improvements to the
28 hospital facilities or as otherwise provided by law.
29 (b) The University of Florida Board of Trustees shall
30 provide in the lease or by separate contract or agreement with
31 the not-for-profit corporation for the following:

1. Approval of the articles of incorporation of the not-for-profit corporation by the University of Florida Board of Trustees and the governance of the not-for-profit corporation by a board of directors appointed and chaired by the President of the University of Florida, or his or her designee, and vice chaired by the Vice President for Health Affairs of the University of Florida.

2. The use of hospital facilities and personnel in support of the research programs and of the teaching role of the health center.

3. The continued recognition of the collective bargaining units and collective bargaining agreements as currently composed and recognition of the certified labor organizations representing those units and agreements.

4. The use of hospital facilities and personnel in connection with research programs conducted by the health center.

5. Reimbursement to the hospital for indigent patients, state-mandated programs, underfunded state programs, and costs to the hospital for support of the teaching and research programs of the health center. Such reimbursement shall be appropriated to either the health center or the hospital each year by the Legislature after review and approval of the request for funds.

(c) The University of Florida Board of Trustees may, with the approval of the Legislature, increase the hospital facilities or remodel or renovate them, provided that the rental paid by the hospital for such new, remodeled, or renovated facilities is sufficient to amortize the costs thereof over a reasonable period of time or fund the debt service for any bonds or revenue certificates issued to

finance such improvements.

(d) The University of Florida Board of Trustees is authorized to provide to the not-for-profit corporation leasing the hospital facilities and its not-for-profit subsidiaries comprehensive general liability insurance including professional liability from a self-insurance trust program established pursuant to s. 1004.24.

(e) In the event that the lease of the hospital facilities to the not-for-profit corporation is terminated for any reason, the University of Florida Board of Trustees shall resume management and operation of the hospital facilities. In such event, the Administration Commission is authorized to appropriate revenues generated from the operation of the hospital facilities to the University of Florida Board of Trustees to pay the costs and expenses of operating the hospital facility for the remainder of the fiscal year in which such termination occurs.

(f) The University of Florida Board of Trustees is authorized to provide to Shands Jacksonville Healthcare, Inc., and its not-for-profit subsidiaries and affiliates and any successor corporation that acts in support of the board of trustees, comprehensive general liability coverage, including professional liability, from the self-insurance programs established pursuant to s. 1004.24.

Section 187. Section 1004.42, Florida Statutes, is created to read:

1004.42 Florida State University College of Medicine.--

(1) CREATION.--There is hereby established a 4-year allopathic medical school within the Florida State University, to be known as the Florida State University College of

1 Medicine, with a principal focus on recruiting and training
2 medical professionals to meet the primary health care needs of
3 the state, especially the needs of the state's elderly, rural,
4 minority, and other underserved citizens.
5 (2) LEGISLATIVE INTENT.--It is the intent of the
6 Legislature that the Florida State University College of
7 Medicine represent a new model for the training of allopathic
8 physician healers for the citizens of the state. In accordance
9 with this intent, the governing philosophy of the College of
10 Medicine should include the training of students, in a humane
11 environment, in the scientific, clinical, and behavioral
12 practices required to deliver patient-centered health care.
13 Key components of the College of Medicine, which would build
14 on the foundation of the 30-year-old Florida State University
15 Program in Medical Sciences (PIMS), would include: admission
16 of diverse types of students who possess good communication
17 skills and are compassionate individuals, representative of
18 the population of the state; basic and behavioral sciences
19 training utilizing medical problem-based teaching; and
20 clinical training at several dispersed sites throughout the
21 state in existing community hospitals, clinics, and doctors'
22 offices. The Legislature further intends that study of the
23 aging human be a continuing focus throughout the 4-year
24 curriculum and that use of information technology be a key
25 component of all parts of the educational program.
26 (3) PURPOSE.--The College of Medicine shall be
27 dedicated to: preparing physicians to practice primary care,
28 geriatric, and rural medicine, to make appropriate use of
29 emerging technologies, and to function successfully in a
30 rapidly changing health care environment; advancing knowledge
31 in the applied biomedical and behavioral sciences, geriatric

research, autism, cancer, and chronic diseases; training future scientists to assume leadership in health care delivery and academic medicine; and providing access to medical education for groups which are underrepresented in the medical profession.

(4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS PROCESS.--The General Appropriations Act for fiscal year 1999-2000 included initial funding for facilities and operations to provide a transition from the Program in Medical Sciences (PIMS) to a College of Medicine at the Florida State University. For transitional purposes, the Program in Medical Sciences (PIMS) in the College of Arts and Sciences at the Florida State University shall be reorganized and restructured, as soon as practicable, as the Institute of Human Medical Sciences. At such time as the 4-year educational program development is underway and a sufficient number of basic and behavioral sciences and clinical faculty are recruited, the Institute of Human Medical Sciences shall evolve into the Florida State University College of Medicine, with appropriate departments. The current admissions procedure utilized by the Program in Medical Sciences (PIMS) shall provide the basis for the design of an admissions process for the College of Medicine, with selection criteria that focus on identifying future primary care physicians who have demonstrated interest in serving underserved areas. Enrollment levels at the College of Medicine are planned to not exceed 120 students per class, and shall be phased in from 30 students in the Program in Medical Sciences (PIMS), to 40 students admitted to the College of Medicine as the charter class in Fall 2001, and 20 additional students admitted to the College of Medicine in each class thereafter until the maximum

class size is reached.

(5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION; GRADUATE PROGRAMS.--To provide broad-based clinical instruction in both rural and urban settings for students in the community-based medical education program, the College of Medicine, through creation of nonprofit corporations, shall seek affiliation agreements with health care systems and organizations, local hospitals, medical schools, and military health care facilities in the following targeted communities: Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and the rural areas of the state. Selected hospitals in the target communities include, but are not limited to, the following:

(a) Baptist Health Care in Pensacola.

(b) Sacred Heart Health System in Pensacola.

(c) West Florida Regional Medical Center in Pensacola.

(d) Tallahassee Memorial Healthcare in Tallahassee.

(e) Florida Hospital Health System in Orlando.

(f) Sarasota Memorial Health Care System in Sarasota.

(g) Mayo Clinic in Jacksonville.

(h) Lee Memorial Health System, Inc., in Fort Myers.

(i) Rural hospitals in the state.

The College of Medicine shall also explore all alternatives for cooperation with established graduate medical education programs in the state to develop a plan to retain its graduates in residency programs in Florida.

(6) ACCREDITATION.--The College of Medicine shall develop a program which conforms to the accreditation standards of the Liaison Committee on Medical Education (LCME).

(7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

1 (a) The preclinical curriculum shall draw on the
2 Florida State University's Program in Medical Sciences (PIMS)
3 experience and national trends in basic and behavioral
4 sciences instruction, including use of technology for
5 distributed and distance learning. First-year instruction
6 shall include a lecture mode and problem-based learning. In
7 the second year, a small-group, problem-based learning
8 approach shall provide more advanced treatment of each
9 academic subject in a patient-centered context. Various
10 short-term clinical exposures shall be programmed throughout
11 the preclinical years, including rural, geriatric, and
12 minority health, and contemporary practice patterns in these
13 areas.
14 (b) During the third and fourth years, the curriculum
15 shall follow a distributed, community-based model with a
16 special focus on rural health. Subgroups of students shall be
17 assigned to clinical rotation training sites in local
18 communities in roughly equal numbers, as follows:
19 1. Group 1 - Tallahassee.
20 2. Group 2 - Pensacola.
21 3. Group 3 - Orlando.
22 4. Group 4 - Sarasota.
23 5. Group 5 - Jacksonville.
24 6. Group 6 - To be determined prior to 2005, based on
25 emerging state needs.
26 7. Group 7 - Rural Physician Associate Program (RPAP).
27 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
28 Medicine shall develop a comprehensive program to ensure
29 training in the medical needs of the elderly and incorporate
30 principles embodied in the curriculum guidelines of the
31 American Geriatric Society. The College of Medicine shall

1 have as one of its primary missions the improvement of medical
2 education for physicians who will treat elder citizens. To
3 accomplish this mission, the College of Medicine shall
4 establish an academic leadership position in geriatrics,
5 create an external elder care advisory committee, and
6 implement an extensive faculty development plan. For student
7 recruitment purposes, the current Program in Medical Sciences
8 (PIMS) selection criteria shall be expanded to include
9 consideration of students who have expressed an interest in
10 elder care and who have demonstrated, through life choices, a
11 commitment to serve older persons.
12 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
13 the medical needs of the state's rural and underserved
14 populations, the College of Medicine shall develop a
15 Department of Family Medicine with a significant rural
16 training track that provides students with early and frequent
17 clinical experiences in community-based settings to train and
18 produce highly skilled primary care physicians. The College
19 of Medicine shall consider developing new, rural-based family
20 practice clinical training programs and shall establish a
21 partnership with the West Florida Area Health Education Center
22 to assist in developing partnerships and programs to provide
23 incentives and support for physicians to practice in primary
24 care, geriatric, and rural medicine in underserved areas of
25 the state.
26 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
27 GROUPS.--To increase the participation of underrepresented
28 groups and socially and economically disadvantaged youth in
29 science and medical programs, the College of Medicine shall
30 continue the outreach efforts of the Program in Medical
31 Sciences (PIMS) to middle and high school minority students,

including the Science Students Together Reaching Instructional Diversity and Excellence (SSTRIDE), and shall build an endowment income to support recruitment programs and scholarship and financial aid packages for these students. To develop a base of qualified potential medical school candidates from underrepresented groups, the College of Medicine shall coordinate with the undergraduate premedical and science programs currently offered at the Florida State University, develop relationships with potential feeder institutions, including 4-year institutions and community colleges, and pursue grant funds to support programs, as well as support scholarship and financial aid packages. The College of Medicine shall develop plans for a postbaccalaureate, 1-year academic program that provides a second chance to a limited number of students per year who have been declined medical school admission, who are state residents, and who meet established criteria as socially and economically disadvantaged. The College of Medicine shall make every effort, through recruitment and retention, to employ a faculty and support staff that reflect the heterogeneous nature of the state's general population.

(11) TECHNOLOGY.--To create technology-rich learning environments, the College of Medicine shall build on the considerable infrastructure that already supports the many technology resources of the Florida State University and shall expand the infrastructure to conduct an effective medical education program, including connectivity between the main campus, community-based training locations, and rural clinic locations. Additional technology programs shall include extensive professional development opportunities for faculty; an on-line library of academic and medical resources for

1 students, faculty, and community preceptors; and
2 technology-sharing agreements with other medical schools to
3 allow for the exchange of technology applications among
4 medical school faculty for the purpose of enhancing medical
5 education. The College of Medicine shall explore the
6 opportunities afforded by Mayo Clinic in Jacksonville through
7 clerkships, visiting professors or lectures through the
8 existing telecommunications systems, and collaboration in
9 research activities at the Mayo Clinic's Jacksonville campus.
10 (12) ADMINISTRATION; FACULTY.--Each of the major
11 community-based clinical rotation training sites described in
12 subsection (7) shall have a community dean and a student
13 affairs/administrative officer. Teaching faculty for the
14 community-based clinical training component shall be community
15 physicians serving part-time appointments. Sixty faculty
16 members shall be recruited to serve in the basic and
17 behavioral sciences department. The College of Medicine shall
18 have a small core staff of on-campus, full-time faculty and
19 administrators at the Florida State University, including a
20 dean, a senior associate dean for educational programs, an
21 associate dean for clinical education, a chief
22 financial/administrative officer, an admissions/student
23 affairs officer, an instructional resources coordinator, a
24 coordinator for graduate and continuing medical education, and
25 several mission focus coordinators.
26 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
27 provide students with the skills, knowledge, and values needed
28 to practice medicine in the evolving national system of health
29 care delivery, the College of Medicine shall fully integrate
30 modern health care delivery concepts into its curriculum. For
31 this purpose, the College of Medicine shall develop a

partnership with one or more health care organizations in the state and shall recruit faculty with strong health care delivery competencies. Faculty from other disciplines at the Florida State University shall be utilized to develop team-based approaches to core competencies in the delivery of health care.

(14) INDEMNIFICATION FROM LIABILITY.--This section shall be construed to authorize the Florida State University Board of Trustees to negotiate and purchase policies of insurance to indemnify from any liability those individuals or entities providing sponsorship or training to the students of the medical school, professionals employed by the medical school, and students of the medical school.

Section 188. Section 1004.43, Florida Statutes, is created to read:

1004.43 H. Lee Moffitt Cancer Center and Research Institute.--There is established the H. Lee Moffitt Cancer Center and Research Institute at the University of South Florida.

(1) The State Board of Education shall enter into an agreement for the utilization of the facilities on the campus of the University of South Florida to be known as the H. Lee Moffitt Cancer Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the H. Lee Moffitt Cancer Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the State of Florida, shall govern and operate the H. Lee Moffitt Cancer Center and Research Institute in accordance with the terms of the agreement

between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission. The affairs of the corporation shall be managed by a board of directors who shall serve without compensation. The President of the University of South Florida and the chair of the State Board of Education, or his or her designee, shall be directors of the not-for-profit corporation, together with 5 representatives of the state universities and no more than 14 nor fewer than 10 directors who are not medical doctors or state employees. Each director shall have only one vote, shall serve a term of 3 years, and may be reelected to the board. Other than the President of the University of South Florida and the chair of the State Board of Education, directors shall be elected by a majority vote of the board. The chair of the board of directors shall be selected by majority vote of the directors.

(2) The State Board of Education shall provide in the agreement with the not-for-profit corporation for the following:

(a) Approval of the articles of incorporation of the not-for-profit corporation by the State Board of Education.

(b) Approval of the articles of incorporation of any not-for-profit corporate subsidiary created by the

not-for-profit corporation.

(c) Utilization of hospital facilities and personnel by the not-for-profit corporation and its subsidiaries for mutually approved teaching and research programs conducted by the University of South Florida or other accredited medical schools or research institutes.

(d) Preparation of an annual financial audit of the not-for-profit corporation's accounts and records and the accounts and records of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include a management letter, as defined in s. 11.45, and shall be submitted to the Auditor General and the State Board of Education. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(3) The State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries pursuant to s. 1004.24.

(4) In the event that the agreement between the not-for-profit corporation and the State Board of Education is terminated for any reason, the State Board of Education shall resume governance and operation of said facilities.

(5) The institute shall be administered by a chief executive officer who shall serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties subject to the approval of the board of directors:

(a) The chief executive officer shall establish programs which fulfill the mission of the institute in research, education, treatment, prevention, and the early detection of cancer; however, the chief executive officer shall not establish academic programs for which academic credit is awarded and which terminate in the conference of a degree without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the dollars appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint members to carry out the research, patient care, and educational activities of the institute and determine compensation, benefits, and terms of service. Members of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the

1 facilities.
2 (e) The chief executive officer shall have the power
3 to create the administrative structure necessary to carry out
4 the mission of the institute.
5 (f) The chief executive officer shall have a reporting
6 relationship to the Commissioner of Education.
7 (g) The chief executive officer shall provide a copy
8 of the institute's annual report to the Governor and Cabinet,
9 the President of the Senate, the Speaker of the House of
10 Representatives, and the chair of the State Board of
11 Education.
12 (6) The board of directors of the not-for-profit
13 corporation shall create a council of scientific advisers to
14 the chief executive officer comprised of leading researchers,
15 physicians, and scientists. This council shall review programs
16 and recommend research priorities and initiatives so as to
17 maximize the state's investment in the institute. The council
18 shall be appointed by the board of directors of the
19 not-for-profit corporation and shall include five appointees
20 of the State Board of Education. Each member of the council
21 shall be appointed to serve a 2-year term and may be
22 reappointed to the council.
23 (7) In carrying out the provisions of this section,
24 the not-for-profit corporation and its subsidiaries are not
25 "agencies" within the meaning of s. 20.03(11).
26 (8)(a) Records of the not-for-profit corporation and
27 of its subsidiaries are public records unless made
28 confidential or exempt by law.
29 (b) Proprietary confidential business information is
30 confidential and exempt from the provisions of s. 119.07(1)
31 and s. 24(a), Art. I of the State Constitution. However, the

Auditor General, the Office of Program Policy Analysis and Government Accountability, and the State Board of Education, pursuant to their oversight and auditing functions, must be given access to all proprietary confidential business information upon request and without subpoena and must maintain the confidentiality of information so received. As used in this paragraph, the term "proprietary confidential business information" means information, regardless of its form or characteristics, which is owned or controlled by the not-for-profit corporation or its subsidiaries; is intended to be and is treated by the not-for-profit corporation or its subsidiaries as private and the disclosure of which would harm the business operations of the not-for-profit corporation or its subsidiaries; has not been intentionally disclosed by the corporation or its subsidiaries unless pursuant to law, an order of a court or administrative body, a legislative proceeding pursuant to s. 5, Art. III of the State Constitution, or a private agreement that provides that the information may be released to the public; and which is information concerning:

1. Internal auditing controls and reports of internal auditors;

2. Matters reasonably encompassed in privileged attorney-client communications;

3. Contracts for managed-care arrangements, including preferred provider organization contracts, health maintenance organization contracts, and exclusive provider organization contracts, and any documents directly relating to the negotiation, performance, and implementation of any such contracts for managed-care arrangements;

4. Bids or other contractual data, banking records,

and credit agreements the disclosure of which would impair the efforts of the not-for-profit corporation or its subsidiaries to contract for goods or services on favorable terms;

5. Information relating to private contractual data, the disclosure of which would impair the competitive interest of the provider of the information;

6. Corporate officer and employee personnel information;

7. Information relating to the proceedings and records of credentialing panels and committees and of the governing board of the not-for-profit corporation or its subsidiaries relating to credentialing;

8. Minutes of meetings of the governing board of the not-for-profit corporation and its subsidiaries, except minutes of meetings open to the public pursuant to subsection (9);

9. Information that reveals plans for marketing services that the corporation or its subsidiaries reasonably expect to be provided by competitors;

10. Trade secrets as defined in s. 688.002, including reimbursement methodologies or rates; or

11. The identity of donors or prospective donors of property who wish to remain anonymous or any information identifying such donors or prospective donors. The anonymity of these donors or prospective donors must be maintained in the auditor's report.

As used in this paragraph, the term "managed care" means systems or techniques generally used by third-party payors or their agents to affect access to and control payment for health care services. Managed-care techniques most often

include one or more of the following: prior, concurrent, and retrospective review of the medical necessity and appropriateness of services or site of services; contracts with selected health care providers; financial incentives or disincentives related to the use of specific providers, services, or service sites; controlled access to and coordination of services by a case manager; and payor efforts to identify treatment alternatives and modify benefit restrictions for high-cost patient care.

(9) Meetings of the governing board of the not-for-profit corporation and meetings of the subsidiaries of the not-for-profit corporation at which the expenditure of dollars appropriated to the not-for-profit corporation by the state are discussed or reported must remain open to the public in accordance with s. 286.011 and s. 24(b), Art. I of the State Constitution, unless made confidential or exempt by law. Other meetings of the governing board of the not-for-profit corporation and of the subsidiaries of the not-for-profit corporation are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

Section 189. Section 1004.435, Florida Statutes, is created to read:

1004.435 Cancer control and research.--

(1) SHORT TITLE.--This section shall be known and may be cited as the "Cancer Control and Research Act."

(2) LEGISLATIVE INTENT.--It is the finding of the Legislature that:

(a) Advances in scientific knowledge have led to the development of preventive and therapeutic capabilities in the control of cancer. Such knowledge and therapy must be made available to all citizens of this state through educational

1 and therapeutic programs.
2 (b) The present state of our knowledge concerning the
3 prevalence, cause or associated factors, and treatment of
4 cancer have resulted primarily from a vast federal investment
5 into basic and clinical research, some of which is expended in
6 this state. These research activities must continue, but
7 programs must be established to extend this knowledge in
8 preventive measures and patient treatment throughout the
9 state.
10 (c) Research in cancer has implicated the environment
11 as a causal factor for many types of cancer, i.e., sunshine, X
12 rays, diet, smoking, etc., and programs are needed to further
13 document such cause and effect relationships. Proven causes
14 of cancer should be publicized and be the subject of
15 educational programs for the prevention of cancer.
16 (d) An effective cancer control program would mobilize
17 the scientific, educational, and medical resources that
18 presently exist into an intense attack against this dread
19 disease.
20 (3) DEFINITIONS.--The following words and phrases when
21 used in this section have, unless the context clearly
22 indicates otherwise, the meanings given to them in this
23 subsection:
24 (a) "Cancer" means all malignant neoplasms, regardless
25 of the tissue of origin, including lymphoma and leukemia.
26 (b) "Council" means the Florida Cancer Control and
27 Research Advisory Council, which is an advisory body appointed
28 to function on a continuing basis for the study of cancer and
29 which recommends solutions and policy alternatives to the
30 State Board of Education and the secretary and which is
31 established by this section.

1 (c) "Department" means the Department of Health.
2 (d) "Fund" means the Florida Cancer Control and
3 Research Fund established by this section.
4 (e) "Qualified nonprofit association" means any
5 association, incorporated or unincorporated, that has received
6 tax-exempt status from the Internal Revenue Service.
7 (f) "Secretary" means the Secretary of Health.
8 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
9 COUNCIL; CREATION; COMPOSITION.--
10 (a) There is created within the H. Lee Moffitt Cancer
11 Center and Research Institute, Inc., the Florida Cancer
12 Control and Research Advisory Council. The council shall
13 consist of 35 members, which includes the chairperson, all of
14 whom must be residents of this state. All members, except
15 those appointed by the Speaker of the House of Representatives
16 and the President of the Senate, must be appointed by the
17 Governor. At least one of the members appointed by the
18 Governor must be 60 years of age or older. One member must be
19 a representative of the American Cancer Society; one member
20 must be a representative of the Florida Tumor Registrars
21 Association; one member must be a representative of the
22 Sylvester Comprehensive Cancer Center of the University of
23 Miami; one member must be a representative of the Department
24 of Health; one member must be a representative of the
25 University of Florida Shands Cancer Center; one member must be
26 a representative of the Agency for Health Care Administration;
27 one member must be a representative of the Florida Nurses
28 Association; one member must be a representative of the
29 Florida Osteopathic Medical Association; one member must be a
30 representative of the American College of Surgeons; one member
31 must be a representative of the School of Medicine of the

1 University of Miami; one member must be a representative of
2 the College of Medicine of the University of Florida; one
3 member must be a representative of NOVA Southeastern College
4 of Osteopathic Medicine; one member must be a representative
5 of the College of Medicine of the University of South Florida;
6 one member must be a representative of the College of Public
7 Health of the University of South Florida; one member must be
8 a representative of the Florida Society of Clinical Oncology;
9 one member must be a representative of the Florida Obstetric
10 and Gynecologic Society who has had training in the specialty
11 of gynecologic oncology; one member must be a representative
12 of the Florida Medical Association; one member must be a
13 member of the Florida Pediatric Society; one member must be a
14 representative of the Florida Radiological Society; one member
15 must be a representative of the Florida Society of
16 Pathologists; one member must be a representative of the H.
17 Lee Moffitt Cancer Center and Research Institute, Inc.; three
18 members must be representatives of the general public acting
19 as consumer advocates; one member must be a member of the
20 House of Representatives appointed by the Speaker of the House
21 of Representatives; one member must be a member of the Senate
22 appointed by the President of the Senate; one member must be a
23 representative of the Department of Education; one member must
24 be a representative of the Florida Dental Association; one
25 member must be a representative of the Florida Hospital
26 Association; one member must be a representative of the
27 Association of Community Cancer Centers; one member shall be a
28 representative from a statutory teaching hospital affiliated
29 with a community-based cancer center; one member must be a
30 representative of the Florida Association of Pediatric Tumor
31 Programs, Inc.; one member must be a representative of the

Cancer Information Service; one member must be a representative of the Florida Agricultural and Mechanical University Institute of Public Health; and one member must be a representative of the Florida Society of Oncology Social Workers. Of the members of the council appointed by the Governor, at least 10 must be individuals who are minority persons as defined by s. 288.703(3).

(b) The terms of the members shall be 4 years from their respective dates of appointment.

(c) A chairperson shall be appointed by the Governor for a term of 2 years. The chairperson shall appoint an executive committee of no fewer than three persons to serve at the pleasure of the chairperson. This committee will prepare material for the council but make no final decisions.

(d) The council shall meet no less than semiannually at the call of the chairperson or, in his or her absence or incapacity, at the call of the secretary. Sixteen members constitute a quorum for the purpose of exercising all of the powers of the council. A vote of the majority of the members present is sufficient for all actions of the council.

(e) The council members shall serve without pay. Pursuant to the provisions of s. 112.061, the council members may be entitled to be reimbursed for per diem and travel expenses.

(f) No member of the council shall participate in any discussion or decision to recommend grants or contracts to any qualified nonprofit association or to any agency of this state or its political subdivisions with which the member is associated as a member of the governing body or as an employee or with which the member has entered into a contractual arrangement.

(g) The council may prescribe, amend, and repeal bylaws governing the manner in which the business of the council is conducted.

(h) The council shall advise the State Board of Education, the secretary, and the Legislature with respect to cancer control and research in this state.

(i) The council shall approve each year a program for cancer control and research to be known as the "Florida Cancer Plan" which shall be consistent with the State Health Plan and integrated and coordinated with existing programs in this state.

(j) The council shall formulate and recommend to the secretary a plan for the care and treatment of persons suffering from cancer and recommend the establishment of standard requirements for the organization, equipment, and conduct of cancer units or departments in hospitals and clinics in this state. The council may recommend to the secretary the designation of cancer units following a survey of the needs and facilities for treatment of cancer in the various localities throughout the state. The secretary shall consider the plan in developing departmental priorities and funding priorities and standards under chapter 395.

(k) The council is responsible for including in the Florida Cancer Plan recommendations for the coordination and integration of medical, nursing, paramedical, lay, and other plans concerned with cancer control and research. Committees shall be formed by the council so that the following areas will be established as entities for actions:

1. Cancer plan evaluation: tumor registry, data retrieval systems, and epidemiology of cancer in the state and its relation to other areas.

1 2. Cancer prevention.
2 3. Cancer detection.
3 4. Cancer patient management: treatment,
4 rehabilitation, terminal care, and other patient-oriented
5 activities.
6 5. Cancer education: lay and professional.
7 6. Unproven methods of cancer therapy: quackery and
8 unorthodox therapies.
9 7. Investigator-initiated project research.
10 (l) In order to implement in whole or in part the
11 Florida Cancer Plan, the council shall recommend to the State
12 Board of Education or the secretary the awarding of grants and
13 contracts to qualified profit or nonprofit associations or
14 governmental agencies in order to plan, establish, or conduct
15 programs in cancer control or prevention, cancer education and
16 training, and cancer research.
17 (m) If funds are specifically appropriated by the
18 Legislature, the council shall develop or purchase
19 standardized written summaries, written in layperson's terms
20 and in language easily understood by the average adult
21 patient, informing actual and high-risk breast cancer
22 patients, prostate cancer patients, and men who are
23 considering prostate cancer screening of the medically viable
24 treatment alternatives available to them in the effective
25 management of breast cancer and prostate cancer; describing
26 such treatment alternatives; and explaining the relative
27 advantages, disadvantages, and risks associated therewith.
28 The breast cancer summary, upon its completion, shall be
29 printed in the form of a pamphlet or booklet and made
30 continuously available to physicians and surgeons in this
31 state for their use in accordance with s. 458.324 and to

osteopathic physicians in this state for their use in accordance with s. 459.0125. The council shall periodically update both summaries to reflect current standards of medical practice in the treatment of breast cancer and prostate cancer. The council shall develop and implement educational programs, including distribution of the summaries developed or purchased under this paragraph, to inform citizen groups, associations, and voluntary organizations about early detection and treatment of breast cancer and prostate cancer.

(n) The council shall have the responsibility to advise the State Board of Education and the secretary on methods of enforcing and implementing laws already enacted and concerned with cancer control, research, and education.

(o) The council may recommend to the State Board of Education or the secretary rules not inconsistent with law as it may deem necessary for the performance of its duties and the proper administration of this section.

(p) The council shall formulate and put into effect a continuing educational program for the prevention of cancer and its early diagnosis and disseminate to hospitals, cancer patients, and the public information concerning the proper treatment of cancer.

(q) The council shall be physically located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., at the University of South Florida.

(r) On February 15 of each year, the council shall report to the Governor and to the Legislature.

(5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE SECRETARY.--

(a) The State Board of Education or the secretary,

after consultation with the council, shall award grants and contracts to qualified nonprofit associations and governmental agencies in order to plan, establish, or conduct programs in cancer control and prevention, cancer education and training, and cancer research.

(b) The H. Lee Moffitt Cancer Center and Research Institute, Inc., shall provide such staff, information, and other assistance as reasonably necessary for the completion of the responsibilities of the council.

(c) The State Board of Education or the secretary, after consultation with the council, may adopt rules necessary for the implementation of this section.

(d) The secretary, after consultation with the council, shall make rules specifying to what extent and on what terms and conditions cancer patients of the state may receive financial aid for the diagnosis and treatment of cancer in any hospital or clinic selected. The department may furnish to citizens of this state who are afflicted with cancer financial aid to the extent of the appropriation provided for that purpose in a manner which in its opinion will afford the greatest benefit to those afflicted and may make arrangements with hospitals, laboratories, or clinics to afford proper care and treatment for cancer patients in this state.

(6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

(a) There is created the Florida Cancer Control and Research Fund consisting of funds appropriated therefor from the General Revenue Fund and any gifts, grants, or funds received from other sources.

(b) The fund shall be used exclusively for grants and contracts to qualified nonprofit associations or governmental

agencies for the purpose of cancer control and prevention, cancer education and training, cancer research, and all expenses incurred in connection with the administration of this section and the programs funded through the grants and contracts authorized by the State Board of Education or the secretary.

Section 190. Section 1004.44, Florida Statutes, is created to read:

1004.44 Louis de la Parte Florida Mental Health Institute.--There is established the Louis de la Parte Florida Mental Health Institute within the University of South Florida.

(1) The purpose of the institute is to strengthen mental health services throughout the state by providing technical assistance and support services to mental health agencies and mental health professionals. Such assistance and services shall include:

(a) Technical training and specialized education.

(b) Development, implementation, and evaluation of mental health service programs.

(c) Evaluation of availability and effectiveness of existing mental health services.

(d) Analysis of factors that influence the incidence and prevalence of mental and emotional disorders.

(e) Dissemination of information about innovations in mental health services.

(f) Consultation on all aspects of program development and implementation.

(g) Provisions for direct client services, provided for a limited period of time either in the institute facility or in other facilities within the state, and limited to

1 purposes of research or training.
2 (2) The Department of Children and Family Services is
3 authorized to designate the Louis de la Parte Florida Mental
4 Health Institute a treatment facility for the purpose of
5 accepting voluntary and involuntary clients in accordance with
6 institute programs. Clients to be admitted are exempted from
7 prior screening by a community mental health center.
8 (3) The institute may provide direct services in
9 coordination with other agencies. The institute may also
10 provide support services to state agencies through joint
11 programs, collaborative agreements, contracts, and grants.
12 (4) The institute shall operate under the authority of
13 the President of the University of South Florida and shall
14 employ a mental health professional as director. The director
15 shall hold a faculty appointment in a university's college or
16 department related to mental health within the university.
17 The director has primary responsibility for establishing
18 active liaisons with the community of mental health
19 professionals and other related constituencies in the state
20 and may, with approval of the university president, establish
21 appropriate statewide advisory groups to assist in developing
22 these communication links.
23 Section 191. Section 1004.445, Florida Statutes, is
24 created to read:
25 1004.445 Florida Alzheimer's Center and Research
26 Institute.--
27 (1) There is established the Florida Alzheimer's
28 Center and Research Institute at the University of South
29 Florida.
30 (2)(a) The State Board of Education shall enter into
31 an agreement for the utilization of the facilities on the

campus of the University of South Florida to be known as the Florida Alzheimer's Center and Research Institute, including all furnishings, equipment, and other chattels used in the operation of said facilities, with a Florida not-for-profit corporation organized solely for the purpose of governing and operating the Florida Alzheimer's Center and Research Institute. This not-for-profit corporation, acting as an instrumentality of the state, shall govern and operate the Florida Alzheimer's Center and Research Institute in accordance with the terms of the agreement between the State Board of Education and the not-for-profit corporation. The not-for-profit corporation may, with the prior approval of the State Board of Education, create not-for-profit corporate subsidiaries to fulfill its mission. The not-for-profit corporation and its subsidiaries are authorized to receive, hold, invest, and administer property and any moneys received from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute, for the benefit of the institute and the fulfillment of its mission.

(b)1. The affairs of the not-for-profit corporation shall be managed by a board of directors who shall serve without compensation. The board of directors shall consist of the President of the University of South Florida and the chair of the State Board of Education, or their designees, five representatives of the state universities, and no fewer than nine nor more than 14 representatives of the public who are neither medical doctors nor state employees. Each director who is a representative of a state university or of the public shall serve a term of 3 years. The chair of the board of directors shall be selected by a majority vote of the

1 directors. Each director shall have only one vote.
2 2. The initial board of directors shall consist of the
3 President of the University of South Florida and the chair of
4 the State Board of Education, or their designees; the five
5 university representatives, of whom one shall be appointed by
6 the Governor, two by the President of the Senate, and two by
7 the Speaker of the House of Representatives; and nine public
8 representatives, of whom three shall be appointed by the
9 Governor, three by the President of the Senate, and three by
10 the Speaker of the House of Representatives. Upon the
11 expiration of the terms of the initial appointed directors,
12 all directors subject to 3-year terms of office under this
13 paragraph shall be elected by a majority vote of the directors
14 and the board may be expanded to include additional public
15 representative directors up to the maximum number allowed.
16 Any vacancy in office shall be filled for the remainder of the
17 term by majority vote of the directors. Any director may be
18 reelected.
19 (3) The State Board of Education shall provide in the
20 agreement with the not-for-profit corporation for the
21 following:
22 (a) Approval by the State Board of Education of the
23 articles of incorporation of the not-for-profit corporation.
24 (b) Approval by the State Board of Education of the
25 articles of incorporation of any not-for-profit corporate
26 subsidiary created by the not-for-profit corporation.
27 (c) Utilization of hospital facilities and personnel
28 by the not-for-profit corporation and its subsidiaries for
29 mutually approved teaching and research programs conducted by
30 the University of South Florida or other accredited medical
31 schools or research institutes.

(d) Preparation of an annual postaudit of the not-for-profit corporation's financial accounts and the financial accounts of any subsidiaries to be conducted by an independent certified public accountant. The annual audit report shall include management letters and shall be submitted to the Auditor General and the State Board of Education for review. The State Board of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability shall have the authority to require and receive from the not-for-profit corporation and any subsidiaries or from their independent auditor any detail or supplemental data relative to the operation of the not-for-profit corporation or subsidiary.

(e) Provision by the not-for-profit corporation and its subsidiaries of equal employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(4) The State Board of Education is authorized to secure comprehensive general liability protection, including professional liability protection, for the not-for-profit corporation and its subsidiaries, pursuant to s. 1004.24.

(5) In the event that the agreement between the not-for-profit corporation and the State Board of Education is terminated for any reason, the State Board of Education shall assume governance and operation of the facilities.

(6) The institute shall be administered by a chief executive officer who shall be appointed by and serve at the pleasure of the board of directors of the not-for-profit corporation and who shall have the following powers and duties, subject to the approval of the board of directors:

(a) The chief executive officer shall establish

programs that fulfill the mission of the institute in research, education, treatment, prevention, and early detection of Alzheimer's disease; however, the chief executive officer may not establish academic programs for which academic credit is awarded and which terminate in the conferring of a degree without prior approval of the State Board of Education.

(b) The chief executive officer shall have control over the budget and the moneys appropriated or donated to the institute from private, local, state, and federal sources, as well as technical and professional income generated or derived from practice activities of the institute. However, professional income generated by university faculty from practice activities at the institute shall be shared between the institute and the university as determined by the chief executive officer and the appropriate university dean or vice president.

(c) The chief executive officer shall appoint members to carry out the research, patient care, and educational activities of the institute and determine compensation, benefits, and terms of service. Members of the institute shall be eligible to hold concurrent appointments at affiliated academic institutions. University faculty shall be eligible to hold concurrent appointments at the institute.

(d) The chief executive officer shall have control over the use and assignment of space and equipment within the facilities.

(e) The chief executive officer shall have the power to create the administrative structure necessary to carry out the mission of the institute.

(f) The chief executive officer shall have a reporting relationship to the Commissioner of Education.

(g) The chief executive officer shall provide a copy of the institute's annual report to the Governor and Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the chair of the State Board of Education.

(7) The board of directors of the not-for-profit corporation shall create a council of scientific advisers to the chief executive officer comprised of leading researchers, physicians, and scientists. The council shall review programs and recommend research priorities and initiatives to maximize the state's investment in the institute. The members of the council shall be appointed by the board of directors of the not-for-profit corporation, except for five members who shall be appointed by the State Board of Education. Each member of the council shall be appointed to serve a 2-year term and may be reappointed to the council.

(8) In carrying out the provisions of this section, the not-for-profit corporation and its subsidiaries are not agencies within the meaning of s. 20.03(11).

Section 192. Section 1004.45, Florida Statutes, is created to read:

1004.45 Ringling Center for Cultural Arts.--

(1) The Florida State University Ringling Center for Cultural Arts is created. The center consists of the following properties located in Sarasota County:

(a) The John and Mable Ringling Museum of Art composed of:

1. The art museum.

2. The Ca' d'Zan (the Ringling residence).

3. The Ringling Museum of the Circus.

(b) The Florida State University Center for the Fine

and Performing Arts, including the Asolo Theater and the Florida State University Center for the Performing Arts, both of which shall provide for academic programs in theatre, dance, art, art history, and museum management.

The center shall be operated by the Florida State University, which shall be charged with encouraging participation by K-12 schools and by other postsecondary educational institutions, public and private, in the educational and cultural enrichment programs of the center.

(2)(a) The John and Mable Ringling Museum of Art is designated as the official Art Museum of the State of Florida. The purpose and function of the museum is to maintain and preserve all objects of art and artifacts donated to the state through the will of John Ringling; to acquire and preserve objects of art or artifacts of historical or cultural significance; to exhibit such objects to the public; to undertake scholarly research and publication, including that relating to the collection; to provide educational programs for students at K-12 schools and those in college and graduate school and enrichment programs for children and adults; to assist other museums in the state and nation through education programs and through loaning objects from the collection when such loans do not threaten the safety and security of the objects; to enhance knowledge and appreciation of the collection; and to engage in other activities related to visual arts which benefit the public. The museum shall also engage in programs on the national and international level to enhance further the cultural resources of the state.

(b) The Florida State University shall approve a John and Mable Ringling Museum of Art direct-support organization.

1 Such direct-support organization shall consist of no more than
2 31 members appointed by the president of the university from a
3 list of nominees provided by the Ringling direct-support
4 organization. No fewer than one-third of the members must be
5 residents of Sarasota and Manatee Counties, and the remaining
6 members may reside elsewhere. The current members of the Board
7 of Trustees of the John and Mable Ringling Museum of Art may
8 be members of the direct-support organization. They shall
9 develop a charter and bylaws to govern their operation, and
10 these shall be subject to approval by the Florida State
11 University.
12 (c) The John and Mable Ringling Museum of Art
13 direct-support organization, operating under the charter and
14 bylaws and such contracts as are approved by the university,
15 shall set policies to maintain and preserve the collections of
16 the Art Museum; the Circus Museum; the furnishings and objects
17 in the Ringling home, referred to as the Ca' d'Zan; and other
18 objects of art and artifacts in the custody of the museum.
19 Title to all such collections, art objects, and artifacts of
20 the museums and its facilities shall remain with the Florida
21 State University, which shall assign state registration
22 numbers to, and conduct annual inventories of, all such
23 properties. The direct-support organization shall develop
24 policy for the museum, subject to the provisions of the John
25 Ringling will and the overall direction of the president of
26 the university; and it is invested with power and authority to
27 nominate a museum director who is appointed by and serves at
28 the pleasure of the president of the university and shall
29 report to the provost of the university or his or her
30 designee. The museum director, with the approval of the
31 provost or his or her designee, shall appoint other employees

in accordance with Florida Statutes and rules; remove the same in accordance with Florida Statutes and rules; provide for the proper keeping of accounts and records and budgeting of funds; enter into contracts for professional programs of the museum and for the support and maintenance of the museum; secure public liability insurance; and do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the museum at the highest efficiency economically possible, while taking into consideration the purposes of the museum.

(d) Notwithstanding the provision of s. 287.057, the John and Mable Ringling Museum of Art direct-support organization may enter into contracts or agreements with or without competitive bidding, in its discretion, for the restoration of objects of art in the museum collection or for the purchase of objects of art that are to be added to the collection.

(e) Notwithstanding s. 273.055, the university may sell any art object in the museum collection, which object has been acquired after 1936, if the director and the direct-support organization recommend such sale to the president of the university and if they first determine that the object is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Ringling Museum Art Acquisition, Restoration, and Conservation Trust Fund. The university also may exchange any art object in the collection, which object has been acquired after 1936, for an art object or objects that the director and the museum direct-support organization recommend to the university after judging these to be of equivalent or greater value to the museum.

(f) An employee or member of the museum direct-support

organization may not receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art and may not be a business associate of any individual, firm, or organization involved in the sale or exchange.

(g) The university, in consultation with the direct-support organization, shall establish policies and may adopt rules for the sale or exchange of works of art.

(h) The John and Mable Ringling Museum of Art direct-support organization shall provide for an annual financial audit in accordance with s. 1004.28(5). Florida State University is authorized to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of such organization. Information that, if released, would identify donors who desire to remain anonymous, is confidential and exempt from the provisions of s. 119.07(1). Information that, if released, would identify prospective donors is confidential and exempt from the provisions of s. 119.07(1) when the direct-support organization has identified the prospective donor itself and has not obtained the name of the prospective donor by copying, purchasing, or borrowing names from another organization or source. Identities of such donors and prospective donors shall not be revealed in the auditor's report.

(i) The direct-support organization is given authority to make temporary loans of paintings and other objects of art or artifacts belonging to the John and Mable Ringling Museum of Art for the purpose of public exhibition in art museums, other museums, or institutions of higher learning wherever located, including such museums or institutions in other states or countries. Temporary loans may also be made to the

1 executive mansion in Tallahassee, chapters and affiliates of
2 the John and Mable Ringling Museum of Art, and, for education
3 purposes, to schools, public libraries, or other institutions
4 in the state, if such exhibition will benefit the general
5 public as the university deems wise and for the best interest
6 of the John and Mable Ringling Museum of Art and under
7 policies established by Florida State University for the
8 protection of the paintings and other objects of art and
9 artifacts. In making temporary loans, the direct-support
10 organization shall give first preference to art museums, other
11 museums, and institutions of higher learning.
12 (j) Notwithstanding any other provision of law, the
13 John and Mable Ringling Museum of Art direct-support
14 organization is eligible to match state funds in the Major
15 Gifts Trust Fund established pursuant to s. 1011.94 as
16 follows:
17 1. For the first $1,353,750, matching shall be on the
18 basis of 75 cents in state matching for each dollar of private
19 funds.
20 2. For additional funds, matching shall be provided on
21 the same basis as is authorized in s. 1011.94.
22 Section 193. Section 1004.46, Florida Statutes, is
23 created to read:
24 1004.46 Multidisciplinary Center for Affordable
25 Housing.--
26 (1) The Multidisciplinary Center for Affordable
27 Housing is established within the School of Building
28 Construction of the College of Architecture of the University
29 of Florida with the collaboration of other related disciplines
30 such as agriculture, business administration, engineering,
31 law, and medicine. The center shall work in conjunction with

other state universities. The Multidisciplinary Center for Affordable Housing shall:

(a) Conduct research relating to the problems and solutions associated with the availability of affordable housing in the state for families who are below the median income level and widely disseminate the results of such research to appropriate public and private audiences in the state. Such research shall emphasize methods to improve the planning, design, and production of affordable housing, including, but not limited to, the financial, maintenance, management, and regulatory aspects of residential development.

(b) Provide public services to local, regional, and state agencies, units of government, and authorities by helping them create regulatory climates that are amenable to the introduction of affordable housing within their jurisdictions.

(c) Conduct special research relating to firesafety.

(d) Provide a focus for the teaching of new technology and skills relating to affordable housing in the state.

(e) Develop a base of informational and financial support from the private sector for the activities of the center.

(f) Develop prototypes for both multifamily and single-family units.

(g) Establish a research agenda and general work plan in cooperation with the Department of Community Affairs which is the state agency responsible for research and planning for affordable housing and for training and technical assistance for providers of affordable housing.

(h) Submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by

January 1 of each year. The annual report shall include information relating to the activities of the center, including collaborative efforts with public and private entities, affordable housing models, and any other findings and recommendations related to the production of safe, decent, and affordable housing.

(2) The Director of the Multidisciplinary Center for Affordable Housing shall be appointed by the Dean of the College of Architecture of the University of Florida.

Section 194. Section 1004.47, Florida Statutes, is created to read:

1004.47 Research activities relating to solid and hazardous waste management.--Research, training, and service activities related to solid and hazardous waste management conducted by state universities shall be coordinated by the State Board of Education. Proposals for research contracts and grants; public service assignments; and responses to requests for information and technical assistance by state and local government, business, and industry shall be addressed by a formal Type I Center process involving an advisory board of university personnel appointed by the Commissioner of Education and chaired and directed by an individual appointed by the Commissioner of Education. The State Board of Education shall consult with the Department of Environmental Protection in developing the research programs and provide the department with a copy of the proposed research program for review and comment before the research is undertaken. Research contracts shall be awarded to independent nonprofit colleges and universities within the state which are accredited by the Southern Association of Colleges and Schools on the same basis as those research contracts awarded to the state universities.

Research activities shall include, but are not limited to, the following areas:

(1) Methods and processes for recycling solid and hazardous waste.

(2) Methods of treatment for detoxifying hazardous waste.

(3) Technologies for disposing of solid and hazardous waste.

Section 195. Section 1004.48, Florida Statutes, is created to read:

1004.48 Research protocols to determine most appropriate pollutant dispersal agents.--The Center for Solid and Hazardous Waste Management shall coordinate the research protocols for projects to determine the most appropriate dispersal agents that can be used in an environmentally safe manner in Florida waters as part of a pollutant cleanup activity. Such research shall be used by the Department of Environmental Protection in approving the use of such agents by pollutant spill cleanup contractors and others who may be required to use such agents in containing and cleaning up pollutant spills in the waters of the state.

Section 196. Section 1004.49, Florida Statutes, is created to read:

1004.49 Florida LAKEWATCH Program.--The Florida LAKEWATCH Program is hereby created within the Department of Fisheries and Aquaculture of the Institute of Food and Agricultural Sciences at the University of Florida. The purpose of the program is to provide public education and training with respect to the water quality of Florida's lakes. The Department of Fisheries and Aquaculture may, in implementing the LAKEWATCH program:

(1) Train, supervise, and coordinate volunteers to collect water quality data from Florida's lakes.

(2) Compile the data collected by volunteers.

(3) Disseminate information to the public about the LAKEWATCH program.

(4) Provide or loan equipment to volunteers in the program.

(5) Perform other functions as may be necessary or beneficial in coordinating the LAKEWATCH program.

Data collected and compiled shall be used to establish trends and provide general background information and shall in no instance be used in a regulatory proceeding.

Section 197. Section 1004.50, Florida Statutes, is created to read:

1004.50 Institute on Urban Policy and Commerce.--

(1) There is created the Institute on Urban Policy and Commerce as a Type I Institute at Florida Agricultural and Mechanical University to improve the quality of life in urban communities through research, teaching, and outreach activities.

(2) The major purposes of the institute are to pursue basic and applied research on urban policy issues confronting the inner-city areas and neighborhoods in the state; to influence the equitable allocation and stewardship of federal, state, and local financial resources; to train a new generation of civic leaders and university students interested in approaches to community planning and design; to assist with the planning, development, and capacity building of urban area nonprofit organizations and government agencies; to develop and maintain a database relating to inner-city areas; and to

support the community development efforts of inner-city areas, neighborhood-based organizations, and municipal agencies.

(3) The institute shall research and recommend strategies concerning critical issues facing the underserved population in urban communities, including, but not limited to, transportation and physical infrastructure; affordable housing; tourism and commerce; environmental restoration; job development and retention; child care; public health; lifelong learning; family intervention; public safety; and community relations.

(4) The institute may establish regional urban centers to be located in the inner cities of St. Petersburg, Tampa, Jacksonville, Orlando, West Palm Beach, Fort Lauderdale, Miami, Daytona Beach, and Pensacola to assist urban communities on critical economic, social, and educational problems affecting the underserved population.

(5) Before January 1 of each year, the institute shall submit a report of its critical findings and recommendations for the prior year to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees of the Legislature. The report shall be titled "The State of Unmet Needs in Florida's Urban Communities" and shall include, but is not limited to, a recommended list of resources that could be made available for revitalizing urban communities; significant accomplishments and activities of the institute; and recommendations concerning the expansion, improvement, or termination of the institute.

(6) The Governor shall submit an annual report to the Legislature on the unmet needs in the state's urban communities.

Section 198. Section 1004.51, Florida Statutes, is

created to read:

1004.51 Community and Faith-based Organizations Initiative; Community and Library Technology Access Partnership.--

(1) CREATION.--There is created the Community and Faith-based Organizations Initiative which shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University and the Community and Library Technology Access Partnership which shall be administered by the Division of Library and Information Services of the Department of State.

(2) INTENT.--The purpose of the initiative is to promote community development in low-income communities through partnerships with not-for-profit community and faith-based organizations. The purpose of the partnership is to encourage public libraries eligible for e-rate discounted telecommunications services to partner with community and faith-based organizations to provide technology access and training to assist other state efforts to close the digital divide.

(3) AUTHORIZED ACTIVITIES.--

(a) Authorized activities of the initiative.--The Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University may conduct the following activities as part of the Community and Faith-based Organizations Initiative:

1. Create and operate training programs to enhance the professional skills of individuals in community and faith-based organizations.

2. Create and operate a program to select and place students and recent graduates from business and related

1 professional schools as interns with community and faith-based
2 organizations for a period not to exceed 1 year, and provide
3 stipends for such interns.
4 3. Organize an annual conference for community and
5 faith-based organizations to discuss and share information on
6 best practices regarding issues relevant to the creation,
7 operation, and sustainability of these organizations.
8 4. Provide funding for the development of materials
9 for courses on topics in the area of community development,
10 and for research on economic, operational, and policy issues
11 relating to community development.
12 5. Provide financial assistance to community and
13 faith-based organizations through small grants for
14 partnerships with universities and the operation of programs
15 to build strong communities and future community development
16 leaders. The Institute on Urban Policy and Commerce at Florida
17 Agricultural and Mechanical University shall develop selection
18 criteria for awarding such grants which are based on the goals
19 of the initiative.
20
21 The institute, to the maximum extent possible, shall leverage
22 state funding for the initiative with any federal funding that
23 the institute may receive to support similar community-based
24 activities.
25 (b) Authorized activities of the partnership.--The
26 Division of Library and Information Services of the Department
27 of State may conduct the following activities as part of the
28 Community and Library Technology Access Partnership:
29 1. Provide funding for e-rate eligible public
30 libraries to provide technology access and training to
31 community and faith-based organizations. Funding provided

under this subparagraph must be for eligible public libraries in distressed communities in the state. The division shall consult with the Institute on Urban Policy and Commerce to identify such communities and to develop criteria to be used in evaluating funding proposals. The division shall coordinate with the institute to ensure that, to the maximum extent possible, the division and the institute leverage their resources under the programs authorized by this section in order to focus efforts on addressing the most distressed communities in the state. The division shall include a representative of the institute on a review team to evaluate funding proposals under this subparagraph.

2. Provide a method of assessment and outcome measurement for e-rate eligible public libraries to assess progress in closing the digital divide and in training for individuals to succeed in the emerging information economy.

(4) ELIGIBILITY.--A community or faith-based organization receiving funding or other assistance under the Community and Faith-based Organizations Initiative or the Community Library Technology Access Partnership must be a nonprofit organization holding a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code. Funding under this section shall not be used for religious or sectarian purposes.

Section 199. Section 1004.52, Florida Statutes, is created to read:

1004.52 Community computer access grant program.--

(1) The Legislature finds that there is a growing digital divide in the state, manifested in the fact that many youths from distressed urban communities do not possess the degree and ease of access to computers and information

technologies which youths in other communities in the state possess. This disparity in access to rapidly changing and commercially significant technologies has a negative impact on the educational, workforce development, and employment competitiveness of these needy youths, and thereby impedes the economic development of the distressed urban communities in which these youths reside. Although many public libraries offer users access to computers and are increasingly making library materials available to the public through electronic means, many youths from distressed urban communities do not live near a library that has such technology and do not have computers to access Internet-based virtual libraries. Neighborhood organizations, such as churches, are more likely, however, to be located in closer proximity to the homes of these youths than are educational institutions or libraries, and these youths are more likely to gain the desirable computer access at church-related or other neighborhood facilities than at other institutions. The Legislature therefore finds that a public purpose is served in enhancing the ability of youths from these communities to have access to computers and the Internet within the neighborhoods in which they reside.

(2) Subject to legislative appropriation, there is created the Community High-Technology Investment Partnership (CHIP) program to assist distressed urban communities in securing computers for access by youths between the ages of 5 years and 18 years who reside in these communities. The program shall be administered by the Institute on Urban Policy and Commerce at Florida Agricultural and Mechanical University pursuant to a performance-based contract with the Division of Library and Information Services of the Department of State.

The division shall develop performance measures, standards, and sanctions for the program. Performance measures must include, but are not limited to: the number of youths obtaining access to computers purchased under this program; the number of hours computers are made available to youths; and the number of hours spent by youths on computers purchased under this program for educational purposes. The administrative costs for administration of this program cannot exceed 10 percent of the amount appropriated to the division for the program.

(3)(a) Under this program, neighborhood facilities, through their governing bodies, may apply to the institute for grants to purchase computers that will be available for use by eligible youths who reside in the immediate vicinity of the neighborhood facility. For purposes of this program, eligible neighborhood facilities include, but are not limited to, facilities operated by:

1. Units of local government, including school districts.

2. Nonprofit, faith-based organizations, including neighborhood churches.

3. Nonprofit civic associations or homeowners' associations.

4. Nonprofit organizations, the missions of which include improving conditions for residents of distressed urban communities.

To be eligible for funding under this program, a nonprofit organization or association must hold a current exemption from federal taxation under s. 501(c)(3) or (4) of the Internal Revenue Code.

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(b) Notwithstanding the eligibility of the organizations identified in paragraph (a), the institute shall give priority consideration for funding under this program to applications submitted by neighborhood churches or by neighborhood-based, nonprofit organizations that have as a principal part of their missions the improvement of conditions for residents of the same neighborhoods in which the organizations are located. The institute also shall give priority consideration to organizations that demonstrate that they have not been awarded community enhancement or similar community support grants from state or local government on a regular basis in the past. The institute shall develop weighted criteria to be used in evaluating applications from such churches or organizations. Funding under this section shall not be used for religious or sectarian purposes.

(4) The institute shall develop guidelines governing the administration of this program and shall establish criteria to be used in evaluating an application for funding. At a minimum, the institute must find that:

(a) The neighborhood that is to be served by the grant suffers from general economic distress.

(b) Eligible youths who reside in the vicinity of the neighborhood facility have difficulty obtaining access to a library or schools that have sufficient computers.

(c) The neighborhood facility has developed a detailed plan, as required under subsection (5), for:

1. Providing youths who reside in the vicinity of the facility with access to any computer purchased with grant funds, including evening and weekend access when libraries and schools are closed.

2. Promoting the maximum participation of neighborhood

youths in use of any computers purchased with grant funds.

(5) As part of an application for funding, the neighborhood facility must submit a plan that demonstrates:

(a) The manner in which eligible youths who reside in the immediate vicinity of the facility will be provided with access to any computer purchased with grant funds, including access during hours when libraries and schools are closed.

(b) The existence of safeguards to ensure that any computer purchased with grant funds is reserved for the educational use of eligible youths who reside in the immediate vicinity of the facility and is not used to support the business operations of the neighborhood facility or its governing body.

(c) The existence, in the neighborhood facility, of telecommunications infrastructure necessary to guarantee access to the Internet through any computer purchased with grant funds.

(6) To the maximum extent possible, funding shall be awarded under this program in a manner designed to ensure the participation of distressed urban communities from regions throughout the state.

(7) The maximum amount of a grant which may be awarded to any single neighborhood facility under this program is $25,000.

(8) Before the institute may allocate funds for a grant under this program, the institute and the eligible neighborhood facility must execute a grant agreement that governs the terms and conditions of the grant.

(9) The institute, based upon guidance from the State Technology Office and the state's Chief Information Officer, shall establish minimum requirements governing the

specifications and capabilities of any computers purchased with funds awarded under this grant program.

Section 200. Section 1004.53, Florida Statutes, is created to read:

1004.53 Interdisciplinary Center for Brownfield Rehabilitation Assistance.--The Center for Brownfield Rehabilitation Assistance in the Environmental Sciences and Policy Program is established in the College of Arts and Sciences at the University of South Florida with the collaboration of other related disciplines such as business administration, environmental science, and medicine. The center shall work in conjunction with other state universities. The Center for Brownfield Rehabilitation Assistance shall:

(1) Conduct research relating to problems and solutions associated with rehabilitation and restoration of brownfield areas as defined in s. 376.79. The research must include identifying innovative solutions to removing contamination from brownfield sites to reduce the threats to drinking water supplies and other potential public health threats from contaminated sites.

(2) Provide public service to local, regional, and state agencies, units of government, and authorities by helping them to create workable mechanisms, partnerships with public and private sectors, and other techniques for rehabilitating brownfield areas.

(3) Conduct special research relating to risk-based corrective actions for rehabilitation of brownfield areas.

(4) Develop a base of informational and financial support from the private sector for the activities of the center.

1 Section 201. Section 1004.54, Florida Statutes, is
2 created to read:
3 1004.54 Learning Development and Evaluation Center.--
4 (1) For the purpose of providing academic support for
5 learning disabled students, the verbal communications
6 laboratory at Florida Agricultural and Mechanical University
7 is established as the Learning Development and Evaluation
8 Center. The university shall provide housing, equipment, and
9 utilities for the center.
10 (2) The primary objective of the center shall be to
11 provide learning disabled students with accessibility to
12 learning by providing a program for building student
13 self-acceptance, self-esteem, and faculty acceptance. The
14 program shall also provide for diagnosing and clarifying the
15 nature of the disability and for identifying strategies that
16 can be used to enhance learning. Services shall include:
17 (a) Problem identification.
18 (b) Diagnostic evaluation, including neurological,
19 psychological, speech, and hearing diagnoses.
20 (c) Training, including tutoring and study.
21 (d) Academic, psychological, social, and career
22 counseling.
23 (e) Followup.
24 (f) Maintenance of academic course requirements with
25 provision for support services to identified students.
26 (g) Modifications of methods of reaching course
27 requirements which do not detract from the course purpose.
28 (3) Participants in the program shall be students with
29 specific learning disabilities who meet eligibility criteria
30 as defined by Rule 6A-6.03018.
31 (4) An outreach component shall be established which

shall include:

(a) Notifying secondary schools, community colleges, career education centers, and community agencies of the program.

(b) Working with community colleges, technical centers, and community agencies to identify students who may benefit from the program.

(c) Providing secondary schools, community colleges, technical centers, and community agencies with a description of methods used by the program for identification of students who have learning disabilities.

(d) Providing secondary schools, community colleges, technical centers, and community agencies with a description of program services and the support services available.

(e) Providing on-campus and off-campus activities for students, administrators, faculty, and staff to enhance learning of the disabled secondary students.

(f) Providing training for school district personnel to enable them to develop a better understanding of the needs of learning disabled students.

(g) Designing, developing, and implementing, in cooperation with Florida Agricultural and Mechanical University, public school districts, community colleges, and technical centers within the Department of Education, model programs for the learning disabled student.

(h) Providing assistance to community colleges and state universities in designing, developing, and evaluating model programs for learning disabled students.

(i) Establishing a procedure for the annual review and update of model programs developed for the learning disabled.

(j) Providing precollegiate residential experiences.

(5) On or before November 1, the president of the university shall submit to the State Board of Education and the Legislature a report on program effectiveness, which report shall include:

(a) The number of students participating in the program.

(b) An ongoing analysis of overall student performance as a result of participation in the program.

(c) A description of the methods used in identifying students with learning disabilities.

(d) A description of methods and materials prescribed to meet the specific learning needs of each participant.

(e) The number and types of disabilities of students in the program.

(f) How the program accomplished its objectives.

(g) Procedures used to counsel and advise students that would build self-acceptance and enhance learning.

(h) Procedures for promoting faculty acceptance of the program and its participants.

(i) A detailed description of each program objective and the results.

(j) Projections of future participation by learning disabled students based on enrollment, queries, and program results.

(k) The number of postsecondary and secondary students participating in the program and the type of service provided.

(6) Funding of this program shall be provided for in the General Appropriations Act.

Section 202. Section 1004.55, Florida Statutes, is created to read:

1004.55 Regional autism centers.--

(1) Six regional autism centers are established to provide nonresidential resource and training services for persons of all ages and of all levels of intellectual functioning who have autism, as defined in s. 393.063; who have a pervasive developmental disorder that is not otherwise specified; who have an autistic-like disability; who have a dual sensory impairment; or who have a sensory impairment with other handicapping conditions. Each center shall be operationally and fiscally independent and shall provide services within its geographical region of the state. Each center shall coordinate services within and between state and local agencies and school districts but may not duplicate services provided by those agencies or school districts. The respective locations and service areas of the centers are:

(a) The Department of Communication Disorders at Florida State University, which serves Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla, Walton, and Washington Counties.

(b) The College of Medicine at the University of Florida, which serves Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union Counties.

(c) The University of Florida Health Science Center at Jacksonville, which serves Baker, Clay, Duval, Flagler, Nassau, and St. Johns Counties.

(d) The Louis de la Parte Florida Mental Health Institute at the University of South Florida, which serves Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee, Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

1 (e) The Mailman Center for Child Development at the
2 University of Miami, which serves Broward, Dade, Monroe, and
3 Palm Beach Counties.
4 (f) The College of Health and Public Affairs at the
5 University of Central Florida, which serves Brevard, Lake,
6 Orange, Osceola, Seminole, Sumter, and Volusia Counties.
7 (2) There is established for each center a
8 constituency board, which shall work collaboratively with the
9 center. Each board shall consist of no fewer than six
10 members, each of whom is either an individual who has a
11 disability that is described in subsection (1) or is a member
12 of a family that includes a person who has such a disability,
13 who are selected by each university president from a list that
14 has been developed by the Autism Society of Florida and other
15 relevant constituency groups that represent persons who have
16 sensory impairments as described in subsection (1). As
17 representatives of the center's constituencies, these boards
18 shall meet quarterly with the staff of each of the centers to
19 provide advice on policies, priorities, and activities. Each
20 board shall submit to the university president and to the
21 Department of Education an annual report that evaluates the
22 activities and accomplishments of its center during the year.
23 (3) To promote statewide planning and coordination, a
24 conference must be held annually for staff from each of the
25 five centers and representatives from each center's
26 constituency board. The purpose of the conference is to
27 facilitate coordination, networking, cross-training, and
28 feedback among the staffs and constituency boards of the
29 centers.
30 (4) Each center shall provide:
31 (a) A staff that has expertise in autism and

autistic-like behaviors and in sensory impairments.

(b) Individual and direct family assistance in the home, community, and school. A center's assistance should not supplant other responsibilities of state and local agencies, and each school district is responsible for providing an appropriate education program for clients of a center who are school age.

(c) Technical assistance and consultation services, including specific intervention and assistance for a client of the center, the client's family, and the school district, and any other services that are appropriate.

(d) Professional training programs that include developing, providing, and evaluating preservice and inservice training in state-of-the-art practices for personnel who work with the populations served by the centers and their families.

(e) Public education programs to increase awareness of the public about autism, autistic-related disabilities of communication and behavior, dual sensory impairments, and sensory impairments with other handicapping conditions.

(5) The State Board of Education, in cooperation with the regional autism centers, shall adopt the necessary rules to carry out the purposes of this section.

Section 203. Section 1004.56, Florida Statutes, is created to read:

1004.56 Florida Museum of Natural History; functions.--

(1) The functions of the Florida Museum of Natural History, located at the University of Florida, are to make scientific investigations toward the sustained development of natural resources and a greater appreciation of human cultural heritage, including, but not limited to, biological surveys,

ecological studies, environmental impact assessments, in-depth archaeological research, and ethnological analyses, and to collect and maintain a depository of biological, archaeological, and ethnographic specimens and materials in sufficient numbers and quantities to provide within the state and region a base for research on the variety, evolution, and conservation of wild species; the composition, distribution, importance, and functioning of natural ecosystems; and the distribution of prehistoric and historic archaeological sites and an understanding of the aboriginal and early European cultures that occupied them. State institutions, departments, and agencies may deposit type collections from archaeological sites in the museum, and it shall be the duty of each state institution, department, and agency to cooperate by depositing in the museum voucher and type biological specimens collected as part of the normal research and monitoring duties of its staff and to transfer to the museum those biological specimens and collections in its possession but not actively being curated or used in the research or teaching of that institution, department, or agency. The Florida Museum of Natural History is empowered to accept, preserve, maintain, or dispose of these specimens and materials in a manner which makes each collection and its accompanying data available for research and use by the staff of the museum and by cooperating institutions, departments, agencies, and qualified independent researchers. The biological, archaeological, and ethnographic collections shall belong to the state with the title vested in the Florida Museum of Natural History, except as provided in s. 267.12(3). In collecting or otherwise acquiring these collections, the museum shall comply with pertinent state wildlife, archaeological, and agricultural laws and rules.

1 However, all collecting, quarantine, and accreditation permits
2 issued by other institutions, departments, and agencies shall
3 be granted routinely for said museum research study or
4 collecting effort on state lands or within state jurisdiction
5 which does not pose a significant threat to the survival of
6 endangered wild species, habitats, or ecosystems. In
7 addition, the museum shall develop exhibitions and conduct
8 programs which illustrate, interpret, and explain the natural
9 history of the state and region and shall maintain a library
10 of publications pertaining to the work as herein provided.
11 The exhibitions, collections, and library of the museum shall
12 be open, free to the public, under suitable rules to be
13 promulgated by the director of the museum and approved by the
14 University of Florida.
15 (2) Any gifts, transfers, bequests, or other
16 conveyances made to the Florida State Museum are deemed to
17 have been made to the Florida Museum of Natural History.
18 Section 204. Section 1004.57, Florida Statutes, is
19 created to read:
20 1004.57 Vertebrate paleontological sites and remains;
21 legislative intent and state policy.--
22 (1) It is the declared intention of the Legislature
23 that vertebrate paleontological sites be protected and
24 preserved and that, pursuant thereto, vertebrate
25 paleontological field investigation activities, including, but
26 not limited to, collection, excavation, salvage, restoration,
27 and cataloging of fossils, be discouraged except when such
28 activities are carried on in accordance with both the
29 provisions and the spirit of this act. However, it is not the
30 intention of the Legislature that the provisions of this act
31 impede mining or quarrying for rock, gravel, fill, phosphate,

and other minerals, or the construction of canals or similar excavations, when such activities are permitted by law. Rather, it is the intent of the Legislature that mine and heavy equipment operators be encouraged to cooperate with the state in preserving its vertebrate paleontological heritage and vertebrate fossils by notifying the Florida Museum of Natural History whenever vertebrate fossils are discovered during mining or digging operations and by allowing such fossils to be properly salvaged and that persons having knowledge of vertebrate paleontological sites be encouraged to communicate such information to the museum.

(2) It is hereby declared to be the public policy of this state to protect and preserve vertebrate paleontological sites containing vertebrate fossils, including bones, teeth, natural casts, molds, impressions, and other remains of prehistoric fauna, and to provide for the collection, acquisition, and study of the vertebrate fossils of the state which offer documentation of the diversity of life on this planet.

(3) It is further declared to be the public policy of the state that all vertebrate fossils found on state-owned lands, including submerged lands and uplands, belong to the state with title to the fossils vested in the Florida Museum of Natural History for the purpose of administration of this section and ss. 1004.575-1004.577.

Section 205. Section 1004.575, Florida Statutes, is created to read:

1004.575 Program of vertebrate paleontology within Florida Museum of Natural History.--There is established within the Florida Museum of Natural History a program of vertebrate paleontology, which program has the following

1 responsibilities:
2 (1) Encouraging the study of the vertebrate fossils
3 and vertebrate paleontological heritage of the state and
4 providing exhibits and other educational materials on the
5 vertebrate fauna to the universities and schools of the state.
6 (2) Developing a statewide plan, to be submitted to
7 the director of the Florida Museum of Natural History, for
8 preserving the vertebrate paleontological resources of the
9 state in a manner which is consistent with the state policies
10 in s. 1004.57 and which will not unduly hamper development in
11 this state, including mining and excavating operations.
12 (3) Locating, surveying, acquiring, collecting,
13 salvaging, conserving, and restoring vertebrate fossils;
14 conducting research on the history and systematics of the
15 fossil fauna of the state; and maintaining the official state
16 depository of vertebrate fossils.
17 (4) Locating, surveying, acquiring, excavating, and
18 operating vertebrate paleontological sites and properties
19 containing vertebrate fossils, which sites and properties have
20 great significance to the scientific study of such vertebrate
21 fossils or to public representation of the faunal heritage of
22 the state.
23 (5) Enlisting the aid of professional vertebrate
24 paleontologists, mine and quarry operators, heavy digging
25 equipment operators, and qualified amateurs in carrying out
26 the provisions of subsections (1)-(4), and authorizing their
27 active support and cooperation by issuing permits to them as
28 provided in s. 1004.576.
29 (6) Cooperating and coordinating activities with the
30 Department of Environmental Protection under the provisions of
31 ss. 375.021 and 375.031 and the Department of State under

chapter 267 in the acquisition, preservation, and operation of significant vertebrate paleontological sites and properties of great and continuing scientific value, so that such sites and properties may be utilized to conserve the faunal heritage of this state and to promote an appreciation of that heritage.

(7) Designating areas as "state vertebrate paleontological sites" pursuant to the provisions of this section, which areas are of great and continuing significance to the scientific study and public understanding of the faunal history of the state. However, no privately owned site or grouping of sites shall be so designated without the express written consent of the private owner of the site or group of sites. Upon designation of a state vertebrate paleontological site, the owners and occupants of such site shall be given written notification of such designation by the program. Once such site has been so designated, no person may conduct paleontological field investigation activities on the site without first securing a permit for such activities as provided in s. 1004.576.

(8) Arranging for the disposition of the vertebrate fossils by accredited institutions and for the temporary or permanent loan of such fossils for the purpose of further scientific study, interpretative display, and curatorial responsibilities by such institutions.

Section 206. Section 1004.576, Florida Statutes, is created to read:

1004.576 Destruction, purchase, and sale of vertebrate fossils prohibited, exceptions; field investigation permits required; penalty for violation.--

(1) The destruction, defacement, purchase, and sale of vertebrate fossils found on or under land owned or leased by

1 the state and on land in state-designated vertebrate
2 paleontological sites are prohibited, except that the Florida
3 Museum of Natural History may sell vertebrate fossils and may
4 adopt rules defining "nonessential vertebrate fossils" and
5 prescribing the conditions under which such fossils may be
6 sold or otherwise disposed of by a person holding a permit
7 issued by the Florida Museum of Natural History. Field
8 investigations of vertebrate fossils, including, but not
9 limited to, the systematic collection, acquisition,
10 excavation, salvage, exhumation, or restoration of such
11 fossils, are prohibited on all lands owned or leased by the
12 state and on lands in state-designated vertebrate
13 paleontological sites, unless such activities are conducted
14 under the authority of permits issued by the Florida Museum of
15 Natural History. A permit may be granted by the Florida
16 Museum of Natural History upon application for the permit
17 accompanied by an application fee not to exceed $5. The
18 privileges authorized pursuant to the grant of a permit as
19 provided in this subsection may not be assigned or sublet to
20 any other party.
21 (2) Any person who, in violation of this section,
22 engages in any of the activities described in subsection (1)
23 without first having obtained a permit to engage in such
24 activity commits a misdemeanor, punishable by a fine not to
25 exceed $500 or by imprisonment in the county jail for a period
26 not to exceed 6 months, or both; and, in addition, he or she
27 shall forfeit to the state all specimens, objects, and
28 materials collected and excavated in violation of this
29 section, together with all photographs and records relating to
30 such materials.
31 (3) The Florida Museum of Natural History may

1 institute a civil action in the appropriate circuit court for
2 recovery of any unlawfully taken vertebrate fossil. The
3 fossil shall be forfeited to the state if the Florida Museum
4 of Natural History shows by the greater weight of the evidence
5 that the fossil has been taken from a particular site within
6 this state and that the person found in possession of the
7 fossil is not authorized by law to possess such fossil.
8 Section 207. Section 1004.577, Florida Statutes, is
9 created to read:
10 1004.577 Certain rights of mine or quarry operators
11 and dragline or heavy equipment operators preserved.--Nothing
12 in ss. 1004.57-1004.576 shall infringe upon the right of a
13 legitimate mine or quarry operator to extract rock, gravel,
14 fill, phosphate, or other minerals or infringe upon the right
15 of a legitimate operator of draglines or similar heavy
16 dredging, trenching, or digging equipment to construct
17 drainage canals or other excavations because of the actual or
18 potential destruction of vertebrate fossils.
19 Section 208. Section 1004.58, Florida Statutes, is
20 created to read:
21 1004.58 Leadership Board for Applied Research and
22 Public Service.--
23 (1) There is created the Leadership Board for Applied
24 Research and Public Service to be staffed by the Institute of
25 Science and Public Affairs at Florida State University. The
26 purpose of the board is to focus, coordinate, and maximize
27 university resources on current issues and events affecting
28 Florida's residents and elected officials. Emphasis shall be
29 placed on being responsive to and providing accurate, timely,
30 useful, and relevant information to decisionmakers in state
31 and local governments. The board shall set forth a process to

provide comprehensive guidance and advice for improving the types and quality of services to be delivered by the state universities. Specifically, the board shall better identify and define the missions and roles of existing institutes and centers at each state university, work to eliminate duplication and confusion over conflicting roles and missions, involve more students in learning with applied research and public service activities, and be organizationally separate from academic departments. The board shall meet at least quarterly. The board may create internal management councils that may include working institute and center directors. The board is responsible for, but is not limited to:

(a) Providing strategic direction, planning, and accompanying decisions that support a coordinated applied public service and research approach in the state.

(b) Addressing state university policy matters and making recommendations to the State Board of Education as they relate to applied public service and research.

(c) Serving as a clearinghouse for services requested by public officials.

(d) Providing support for funding and fiscal initiatives involving applied public service and research.

(2) Membership of the board shall be:

(a) The Commissioner of Education, or the commissioner's designee, who shall serve as chair.

(b) The director of the Office of Planning and Budgeting of the Executive Office of the Governor.

(c) The secretary of the Department of Management Services.

(d) The director of Economic and Demographic Research.

(e) The director of the Office of Program Policy

1 Analysis and Government Accountability.
2 (f) The President of the Florida League of Cities.
3 (g) The President for the Florida Association of
4 Counties.
5 (h) The President of the Florida School Board
6 Association.
7 (i) Five additional university president members,
8 designated by the commissioner, to rotate annually.
9 (3) The board shall prepare a report for the State
10 Board of Education to be submitted to the Governor and the
11 Legislature by January 1 of each year which summarizes the
12 work and recommendations of the board in meeting its purpose
13 and mission.
14 Section 209. Section 1004.59, Florida Statutes, is
15 created to read:
16 1004.59 Florida Conflict Resolution Consortium.--It is
17 the intent of the Legislature to reduce the public and private
18 costs of litigation; resolve public disputes, including those
19 related to growth management issues, more quickly and
20 effectively; and improve intergovernmental communications,
21 cooperation, and consensus building. The Legislature hereby
22 formally establishes the Florida Conflict Resolution
23 Consortium as a statewide center based at Florida State
24 University, or at another campus as may be designated by the
25 Commissioner of Education. The purpose of the consortium is
26 to serve as a neutral resource to assist citizens and public
27 and private interests in Florida to seek cost-effective
28 solutions to public disputes and problems through the use of
29 alternative dispute resolution and consensus building.
30 Section 210. Section 1004.60, Florida Statutes, is
31 created to read:

1004.60 Research of Rosewood incident.--State universities shall continue the research of the Rosewood incident and the history of race relations in Florida and develop materials for the educational instruction of these events.

Section 211. Section 1004.61, Florida Statutes, is created to read:

1004.61 Partnerships to develop child protection workers.--The Department of Children and Family Services is directed to form partnerships with the schools of social work of the state universities in order to encourage the development of graduates trained to work in child protection. The department shall give hiring preferences for child protection jobs to graduates who have earned bachelor's and master's degrees from these programs with a concentration in child protection. The partnership between the Department of Children and Family Services and the schools of social work shall include, but not be limited to, modifying existing graduate and undergraduate social work curricula, providing field placements for students into child protection internships in the department, and collaborating in the design and delivery of advanced levels of social work practice.

Section 212. Section 1004.62, Florida Statutes, is created to read:

1004.62 Incentives for urban or socially and economically disadvantaged area internships.--The Legislature establishes incentives for urban or socially and economically disadvantaged area internships to give university students the opportunity to study the social, economic, educational, and political life of inner cities in metropolitan or socially and economically disadvantaged areas of the state. The incentives

are for internships that are open to students in all disciplines, including business, education, physical science, social science, the liberal arts, and the fine arts. Incentives may be given to any state university. Incentives must be for one semester's duration, or more, in which an intern may earn up to 12 hours of credit for the internship. Student interns must work in teams to address a specific urban or socially and economically disadvantaged area social problem or carry out an urban or socially and economically disadvantaged area social program. The results of each team's work must be published in a report and distributed to the colleges of education at each state university.

Section 213. Part III of chapter 1004, Florida Statutes, shall be entitled "Community Colleges" and shall consist of ss. 1004.65-1004.81.

Section 214. Part III.a. of chapter 1004, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1004.65-1004.726.

Section 215. Section 1004.65, Florida Statutes, is created to read:

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

(1) Community colleges shall consist of all public educational institutions operated by community college district boards of trustees under statutory authority and rules of the State Board of Education.

(2) Each community college district authorized by law and the Department of Education is an independent, separate, legal entity created for the operation of a community college.

(3) A community college may provide adult education services, including adult basic education, adult general

education, adult secondary education, and general educational development test instruction.

(4) The community colleges are locally based and governed entities with statutory and funding ties to state government. As such, the community colleges' mission reflects a commitment to be responsive to local educational needs and challenges. In achieving this mission, the community colleges strive to maintain sufficient local authority and flexibility while preserving appropriate legal accountability to the state.

(5) As comprehensive institutions, the community colleges shall provide high-quality, affordable education and training opportunities, shall foster a climate of excellence, and shall provide opportunities to all while combining high standards with an open-door admission policy. The community colleges shall, as open-access institutions, serve all who can benefit, without regard to age, race, gender, creed, or ethnic or economic background, while emphasizing the achievement of social and educational equity so that all can be prepared for full participation in society.

(6) The primary mission and responsibility of community colleges is responding to community needs for postsecondary academic education and technical degree education. This mission and responsibility includes being responsible for:

(a) Providing lower level undergraduate instruction and awarding associate degrees.

(b) Preparing students directly for vocations requiring less than baccalaureate degrees. This may include preparing for job entry, supplementing of skills and knowledge, and responding to needs in new areas of technology.

1 Career and technical education in the community college shall
2 consist of technical certificates, credit courses leading to
3 associate in science degrees and associate in applied science
4 degrees, and other programs in fields requiring substantial
5 academic work, background, or qualifications. A community
6 college may offer career and technical education programs in
7 fields having lesser academic or technical requirements.
8 (c) Providing student development services, including
9 assessment, student tracking, support for disabled students,
10 advisement, counseling, financial aid, career development, and
11 remedial and tutorial services, to ensure student success.
12 (d) Promoting economic development for the state
13 within each community college district through the provision
14 of special programs, including, but not limited to, the:
15 1. Enterprise Florida-related programs.
16 2. Technology transfer centers.
17 3. Economic development centers.
18 4. Workforce literacy programs.
19 (e) Providing dual enrollment instruction.
20 (7) A separate and secondary role for community
21 colleges includes:
22 (a) Providing upper level instruction and awarding
23 baccalaureate degrees as specifically authorized by law.
24 (b) The offering of programs in:
25 1. Community services that are not directly related to
26 academic or occupational advancement.
27 2. Adult general education.
28 3. Recreational and leisure services.
29 (8) Funding for community colleges shall reflect their
30 mission as follows:
31 (a) Postsecondary academic and career and technical

education programs and adult general education programs shall have first priority in community college funding.

(b) Community service programs shall be presented to the Legislature with rationale for state funding. The Legislature may identify priority areas for use of these funds.

(9) Community colleges are authorized to offer such programs and courses as are necessary to fulfill their mission and are authorized to grant associate in arts degrees, associate in science degrees, associate in applied science degrees, certificates, awards, and diplomas. Each community college is also authorized to make provisions for the general educational development test. Each community college may provide access to baccalaureate degrees in accordance with law.

Section 216. Section 1004.66, Florida Statutes, is created to read:

1004.66 "Community college" and "junior college" used interchangeably.--Whenever the terms "community college" and "junior college" appear in the Florida Statutes in reference to a tax-supported institution, they shall be construed identically.

Section 217. Section 1004.67, Florida Statutes, is created to read:

1004.67 Community colleges; legislative intent.--It is the legislative intent that community colleges, constituted as political subdivisions of the state, continue to be operated by community college boards of trustees as provided in s. 1001.63 and that no department, bureau, division, agency, or subdivision of the state exercise any responsibility and authority to operate any community college of the state except

as specifically provided by law or rules of the State Board of Education.

Section 218. Section 1004.68, Florida Statutes, is created to read:

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

(1) Each community college board of trustees shall adopt rules establishing student performance standards for the award of degrees and certificates.

(2) Each community college board of trustees shall require the use of scores on tests for college-level communication and computation skills provided in s. 1008.345(8) as a condition for graduation with an associate in arts degree.

Section 219. Section 1004.70, Florida Statutes, is created to read:

1004.70 Community college direct-support organizations.--

(1) DEFINITIONS.--For the purposes of this section:

(a) "Community college direct-support organization" means an organization that is:

1. A Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, a community college in this state.

3. An organization that the community college board of trustees, after review, has certified to be operating in a manner consistent with the goals of the community college and in the best interest of the state. Any organization that is

denied certification by the board of trustees may not use the name of the community college that it serves.

(b) "Personal services" includes full-time or part-time personnel as well as payroll processing.

(2) BOARD OF DIRECTORS.--The chair of the board of trustees shall appoint a representative to the board of directors and the executive committee of each direct-support organization established under this section, including those established before July 1, 1998. The president of the community college for which the direct-support organization is established, or the president's designee, shall also serve on the board of directors and the executive committee of the direct-support organization, including any direct-support organization established before July 1, 1998.

(3) USE OF PROPERTY.--

(a) The board of trustees is authorized to permit the use of property, facilities, and personal services at any community college by any community college direct-support organization, subject to the provisions of this section.

(b) The board of trustees is authorized to prescribe by rule any condition with which a community college direct-support organization must comply in order to use property, facilities, or personal services at any community college.

(c) The board of trustees may not permit the use of property, facilities, or personal services at any community college by any community college direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or religion.

(4) ACTIVITIES; RESTRICTIONS.--

(a) A direct-support organization may, at the request of the board of trustees, provide residency opportunities on or near campus for students.

(b) A direct-support organization that constructs facilities for use by a community college or its students must comply with all requirements of law relating to the construction of facilities by a community college, including requirements for competitive bidding.

(c) Any transaction or agreement between one direct-support organization and another direct-support organization or between a direct-support organization and a center of technology innovation designated under s. 1004.77 must be approved by the board of trustees.

(d) A community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the community college.

(5) ANNUAL BUDGETS AND REPORTS.--Each direct-support organization shall submit to the board of trustees its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(6) ANNUAL AUDIT.--Each direct-support organization shall provide for an annual financial audit in accordance with rules adopted by the Auditor General pursuant to s. 11.45(8). The annual audit report must be submitted, within 9 months

after the end of the fiscal year, to the Auditor General, the State Board of Education, and the board of trustees for review. The board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability may require and receive from the organization or from its independent auditor any detail or supplemental data relative to the operation of the organization. The identity of donors who desire to remain anonymous shall be protected, and that anonymity shall be maintained in the auditor's report. All records of the organization, other than the auditor's report, any information necessary for the auditor's report, any information related to the expenditure of funds, and any supplemental data requested by the board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability, shall be confidential and exempt from the provisions of s. 119.07(1).

Section 220. Section 1004.71, Florida Statutes, is created to read:

1004.71 Statewide community college direct-support organizations.--

(1) DEFINITIONS.--For the purposes of this section:

(a) "Statewide community college direct-support organization" means an organization that is:

1. A Florida corporation not for profit, incorporated under the provisions of chapter 617 and approved by the Department of State.

2. Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, the community colleges in this state.

3. An organization that the State Board of Education,

after review, has certified to be operating in a manner consistent with the goals of the community colleges and in the best interest of the state.

(b) "Personal services" includes full-time or part-time personnel as well as payroll processing.

(2) BOARD OF DIRECTORS.--The chair of the State Board of Education may appoint a representative to the board of directors and the executive committee of any statewide, direct-support organization established under this section or s. 1004.70. The chair of the State Board of Education, or the chair's designee, shall also serve on the board of directors and the executive committee of any direct-support organization established to benefit the community colleges of Florida.

(3) USE OF PROPERTY.--

(a) The State Board of Education may permit the use of property, facilities, and personal services of the Department of Education by any statewide community college direct-support organization, subject to the provisions of this section.

(b) The State Board of Education may prescribe by rule any condition with which a statewide community college direct-support organization must comply in order to use property, facilities, or personal services of the Department of Education.

(c) The State Board of Education may not permit the use of property, facilities, or personal services of the Department of Education by any statewide community college direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, national origin, gender, age, or religion.

(4) RESTRICTIONS.--

(a) A statewide, direct-support organization may not

use public funds to acquire, construct, maintain, or operate any facilities.

(b) Any transaction or agreement between a statewide, direct-support organization and any other direct-support organization or between a statewide, direct-support organization and a center of technology innovation designated under s. 1004.77 must be approved by the State Board of Education.

(c) A statewide community college direct-support organization is prohibited from giving, either directly or indirectly, any gift to a political committee or committee of continuous existence as defined in s. 106.011 for any purpose other than those certified by a majority roll call vote of the governing board of the direct-support organization at a regularly scheduled meeting as being directly related to the educational mission of the State Board of Education.

(5) ANNUAL BUDGETS AND REPORTS.--Each direct-support organization shall submit to the State Board of Education its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and its federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(6) ANNUAL AUDIT.--A statewide community college direct-support organization shall provide for an annual financial audit in accordance with s. 1004.70. The identity of a donor or prospective donor who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

Section 221. Section 1004.725, Florida Statutes, is

created to read:

1004.725 Expenditures for self-insurance services; special account.--

(1) The community college boards of trustees, singly or collectively, are authorized to contract with an administrator or service company approved by the Department of Insurance pursuant to chapter 626 to provide self-insurance services, including, but not limited to, the evaluation, settlement, and payment of self-insurance claims on behalf of the board of trustees or a consortium of boards of trustees.

(2) Pursuant to such a contract, a board of trustees may advance moneys to the administrator or service company to be deposited in a special account for paying claims against the board of trustees under its self-insurance program. The special account shall be maintained in a designated depository as provided by s. 136.01. The board of trustees may replenish such account as often as necessary upon the presentation by the administrator or service company of documentation for claims paid in an amount equal to the amount of the requested reimbursement. Any contract for disbursement of funds from the special account shall ensure that the payments are subject to proper disbursement controls and accounting procedures.

Section 222. Section 1004.726, Florida Statutes, is created to read:

1004.726 Trademarks, copyrights, or patents.--Each community college board of trustees may develop and produce work products relating to educational endeavors that are subject to trademark, copyright, or patent statutes. To this end, the board of trustees shall consider the relative contribution by the personnel employed in the development of such work products and shall enter into binding agreements

with such personnel, organizations, corporations, or government entities, which agreements shall establish the percentage of ownership of such trademarks, copyrights, or patents. Any other law to the contrary notwithstanding, the board of trustees may in its own name:

(1) Perform all things necessary to secure letters of patent, copyrights, and trademarks on any such work products and enforce its rights therein.

(2) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use of its work products on a royalty basis or for such other consideration as the board of trustees deems proper.

(3) Take any action necessary, including legal action, to protect its work products against improper or unlawful use of infringement.

(4) Enforce the collection of any sums due the board of trustees for the manufacture or use of its work products by any other party.

(5) Sell any of its work products and execute all instruments necessary to consummate any such sale.

(6) Do all other acts necessary and proper for the execution of powers and duties provided by this section.

Section 223. Part III.b. of chapter 1004, Florida Statutes, shall be entitled "Special Programs; Centers" and shall consist of ss. 1004.73-1004.81.

Section 224. Section 1004.73, Florida Statutes, is created to read:

1004.73 St. Petersburg College.--

(1) LEGISLATIVE INTENT.--The Legislature intends to create an innovative means to increase access to baccalaureate

degree level education in populous counties that are underserved by public baccalaureate degree granting institutions. This education is intended to address the state's workforce needs, especially the need for teachers, nurses, and business managers in agencies and firms that require expertise in technology.

(2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St. Petersburg College shall immediately seek accreditation from the Southern Association of Colleges and Schools as a baccalaureate degree granting college.

(a) The primary mission of St. Petersburg College is to provide high-quality undergraduate education at an affordable price for students and the state. The purpose is to promote economic development by preparing people for occupations that require a bachelor's degree and are in demand by existing or emerging public and private employers in this state.

(b) St. Petersburg College shall maintain the mission and policies of a Florida community college, including the open-door admissions policy and the authority to offer all programs consistent with a community college's authority.

(c) St. Petersburg College shall maintain the distinction between the college and its university center. St. Petersburg College is limited to community college programs and to selected baccalaureate degree level programs that meet community needs and are authorized as provided by this section. The University Center may make available more diverse program offerings, but those programs are offered by a participating college or university and are not to be classified or funded as programs of St. Petersburg College.

(d) The academic policies of the upper-division

program at St. Petersburg College must be in accordance with policies of the State Board of Education.

(e) Sections 1013.39 and 1013.82 apply to St. Petersburg College.

(3) STUDENTS; FEES.--

(a) St. Petersburg College shall maintain separate records for students who are enrolled in courses classified in the upper division and lower division of a baccalaureate program, according to the statewide course numbering system. A student shall be reported as a community college student for enrollment in a lower-division course and as a baccalaureate degree program student for enrollment in an upper-division course.

(b) The Board of Trustees of St. Petersburg College shall establish the level of tuition and other authorized student fees consistent with law and proviso in the General Appropriations Act.

1. For each credit hour of enrollment in a certificate level course or lower-division level college credit course, tuition and fees must be within the range authorized in law and rule for a community college student at that level.

2. For each credit hour of enrollment in an upper-division level course, matriculation and tuition fees must be in an amount established by the Board of Trustees of St. Petersburg College. However, fees for upper-division students must reflect the fact that the college does not incur the costs of major research programs. Therefore, the board of trustees shall establish fees for upper-division students within a range that is lower than the fees established for students at a state university but higher than the fees for community college students.

1 3. Other mandatory fees and local fees must be at the
2 same level for all lower-division students. For upper-division
3 students, other mandatory fees and local fees must be at a
4 level less than fees established for University of South
5 Florida students, regardless of program enrollment or level.
6 However, students in workforce development education courses
7 maintain the authorized fee exemptions described in s. 1009.25
8 and may be exempt from local fees imposed by the board of
9 trustees, at the board's discretion.
10 (4) DEGREES.--
11 (a) In addition to the certificates, diplomas, and
12 degrees authorized in s. 1004.65, St. Petersburg College may
13 offer selected baccalaureate degrees. Initially, the college
14 may offer programs that lead to a baccalaureate degree in the
15 following fields:
16 1. Bachelor of Science in Nursing. This program must
17 be designed to articulate with the associate in science degree
18 in nursing. St. Petersburg College shall continue to offer the
19 associate in science degree in nursing.
20 2. Bachelor of Arts and Bachelor of Science in
21 Elementary Education.
22 3. Bachelor of Arts and Bachelor of Science in Special
23 Education.
24 4. Bachelor of Arts and Bachelor of Science in
25 Secondary Education.
26 5. Bachelor of Applied Science in fields selected by
27 the Board of Trustees of St. Petersburg College. The board of
28 trustees shall base the selection on an analysis of workforce
29 needs and opportunities in the following counties: Pinellas,
30 Pasco, Hernando, and other counties approved by the Department
31 of Education. For each program selected, St. Petersburg

1 College must offer a related associate in science or associate
2 in applied science degree program, and the baccalaureate
3 degree level program must be designed to articulate fully with
4 at least one associate in science degree program. The college
5 is encouraged to develop articulation agreements for
6 enrollment of graduates of related associate in applied
7 science degree programs.
8 (b) St. Petersburg College may offer courses that
9 enable teachers to qualify for certification and
10 recertification as required by law or rule.
11 (c) St. Petersburg College may offer programs to
12 provide opportunities for a person who holds a baccalaureate
13 degree, but is not certified to teach, to obtain any
14 additional courses required for teacher certification.
15 (d) Master's degree level programs and doctoral
16 programs may be provided by agreement with a college or
17 university participating in the University Center of St.
18 Petersburg College.
19 (e) For those students living outside Pinellas County,
20 St. Petersburg College shall recruit for the upper division
21 only those students who have earned an associate degree. In
22 recruiting upper-division students in Pasco and Hernando
23 Counties, St. Petersburg College shall work cooperatively with
24 Pasco-Hernando Community College and shall seek to offer
25 courses and programs at Pasco-Hernando Community College when
26 feasible. The nursing programs, in particular, must be
27 conducted cooperatively, and programs at St. Petersburg
28 College shall not conflict with Pasco-Hernando Community
29 College's and the University of South Florida's cooperative
30 nursing program.
31 (5) BOARDS.--

(a) The Board of Trustees of St. Petersburg College serves as the college's governing board. The Governor shall appoint members as provided in s. 1001.61, and the board has the duties and authorities granted in ss. 1001.63 and 1001.64 and by rules of the State Board of Education.

(b) The Board of Trustees of St. Petersburg College may authorize direct-support organizations as authorized in ss. 1004.28 and 1004.70.

(c) The Board of Trustees of St. Petersburg College may continue to award degrees, diplomas, and certificates as authorized for St. Petersburg Junior College, and in the name of St. Petersburg Junior College, until St. Petersburg College receives its accreditation.

(d) A coordinating board shall assist the board of trustees in its deliberations concerning issues that affect the upper division of St. Petersburg College. The coordinating board consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairs of the boards of trustees of those institutions.

(e) Beginning 4 years after the college receives accreditation to offer baccalaureate degrees, the Board of Trustees of St. Petersburg College may determine additional programs to be offered, with the approval of the coordinating board. The determination must consider community needs and economic opportunities.

(f) The coordinating board shall meet at the request of the President of the University of South Florida or the President of St. Petersburg College.

(g) If the coordinating board cannot decide an issue of importance to the programs designed for upper-division

students, the State Board of Education shall resolve the issue.

(6) EMPLOYEES.--

(a) Employment at St. Petersburg College is governed by the same laws that govern community colleges, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching.

(b) Employee records for all personnel shall be maintained as required by s. 1012.81.

(7) FACILITIES.--St. Petersburg College may request funding from the Public Education Capital Outlay and Debt Service Trust Fund as a community college and as a university. The municipalities in Pinellas County, the Board of County Commissioners of Pinellas County, and all other governmental entities are authorized to cooperate with the Board of Trustees of St. Petersburg College in establishing this institution. The acquisition and donation of lands, buildings, and equipment for the use of St. Petersburg College are authorized as a public purpose. The Board of County Commissioners of Pinellas County and all municipalities in Pinellas County may exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of St. Petersburg College, regardless of whether such lands, buildings, and equipment are located in a community redevelopment area.

(8) STATE FUNDING.--

(a) The Legislature intends to fund St. Petersburg College as a community college for its workforce development education programs and for its lower-division level college credit courses and programs.

(b) The Legislature intends to fund St. Petersburg

College as a baccalaureate degree level institution for its upper-division level courses and programs.

Section 225. Section 1004.74, Florida Statutes, is created to read:

1004.74 Florida School of the Arts.--

(1) As the state strives to achieve excellence in all aspects of public education, it is the intent of the Legislature that specific attention be given to the needs of artistically talented high school and college students. It is further intended that such students who are occupationally oriented to the arts be provided with the means for achieving both an academic education and artistic training appropriate to their gifts.

(2) There is created the Florida School of the Arts. The school shall offer a program of academic and artistic studies in the visual and performing arts, which program shall be available to talented high school and college students in the state.

(3) The Florida School of the Arts is assigned to the District Board of Trustees of the St. Johns River Community College for purposes of administration and governance; but the Florida School of the Arts, within appropriations and limitations established annually by the Legislature, shall serve as a professional school on a statewide basis for all qualified students.

(4) The Council for the Florida School of the Arts shall be established to advise the community college district board of trustees on matters pertaining to the operation of the school. The council shall consist of nine members, appointed by the Commissioner of Education for 4-year terms. A member may serve three terms and may serve until replaced.

1 Section 226. Section 1004.75, Florida Statutes, is
2 created to read:
3 1004.75 Training school consolidation pilot
4 projects.--
5 (1) ESTABLISHMENT.--To consolidate and more
6 efficiently use state and taxpayer resources by combining
7 training programs, pilot training centers are established to
8 provide public criminal justice training in Leon and St. Johns
9 Counties. The following pilot training centers are
10 established:
11 (a) The Pat Thomas Center at Tallahassee Community
12 College.
13 (b) The Criminal Justice Academy at St. Johns River
14 Community College.
15 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
16 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
17 or any other provision of law to the contrary, criminal
18 justice training programs in the pilot counties will transfer
19 to community colleges, effective July 1, 1999, at which time
20 responsibility for the provision of basic recruit, advanced,
21 career development, and continuing training courses and
22 programs offered in public criminal justice training programs
23 and for the operation of existing public criminal justice
24 training programs will be shifted from the school district to
25 the community college in whose service area the public
26 criminal justice training program is located. Certification of
27 the program granted by the Criminal Justice Standards and
28 Training Commission will be transferred to the respective
29 community college and the college must continue to meet the
30 requirements of the commission.
31 (3) FACILITIES.--

(a) Criminal justice training program educational facilities, educational plants, and related equipment as defined in s. 1013.01(6) and (7) which are owned by the state and paid for with only state funds shall be transferred to the community college, except that, if such an educational facility or educational plant or part of such facility or plant is used for other purposes in addition to public criminal justice training, the Criminal Justice Standards and Training Commission shall mediate the transfer or a suitable multiuse arrangement.

(b) Criminal justice training program educational facilities, educational plants, and related equipment as defined in s. 1013.01(6) and (7) which are owned by the school district and paid for in whole or in part with local tax funds shall be leased to the community college. However, if such an educational facility or educational plant, or part of such facility or plant, is used for other purposes in addition to public criminal justice training, the Criminal Justice Standards and Training Commission shall mediate a suitable lease agreement. If a school district and a community college cannot agree on the terms and conditions of the lease agreement, the Criminal Justice Standards and Training Commission shall finalize the agreement and report its decision to the Legislature. The Department of Education, Office of Educational Facilities, shall conduct an analysis, by December 31, 1999, to determine the amount of local tax contribution used in the construction of a school-district-owned criminal justice training program, educational facility, or educational plant affected by the transfer. This analysis shall be used to establish a purchase price for the facility or plant. The community college board

of trustees may make a legislative budget request through the State Board of Education to purchase the facility or plant, or it may continue to lease the facility or plant.

(4) PROGRAM REQUIREMENTS.--Each pilot training center will be regional in nature, as defined by the Criminal Justice Standards and Training Commission. Each community college with responsibility for a public criminal justice training program must:

(a) Establish a pilot training center advisory committee made up of professionals from the field of each training program included in the pilot project.

(b) Provide certificate and noncredit options for students and training components of the pilot training center that so require.

(c) Develop an articulation agreement with state universities to facilitate the transfer of graduates of a community college degree training program to the upper division of a state university with a corresponding program.

(5) STAFFING.--The community college board of trustees may provide for school district public criminal justice training staff employed in full-time budgeted positions to be transferred into the community college personnel system at the same rate of salary. Retirement and leave provisions will be transferred according to law.

(6) FUNDING.--The Department of Education shall shift funds generated by students in the pilot training centers established by this section, including workforce development recurring and nonrecurring funds, from the appropriate school district to the respective community college. The community college shall qualify for future facilities funding upon transfer of the facility.

(a) Consistent with s. 1011.62(7), school districts that transfer programs will receive an amount equal to 15 percent of the funding generated for the program under the FEFP in 1996-1997.

(b) Reflecting the lower program costs in community colleges, notwithstanding the funding generated in paragraph (a), community colleges will receive 90 percent of the funding generated for the program under the FEFP in 1996-1997. The school district will retain the remaining 10 percent.

(c) Notwithstanding ss. 1011.80(5)(a) and 1009.22(3)(a), or any other provision of law to the contrary, fees for continuing workforce education for public law enforcement officers at these pilot centers shall not exceed 25 percent of the cost of the course, and state funding shall not under any circumstances exceed 50 percent of the cost of the course.

Section 227. Section 1004.76, Florida Statutes, is created to read:

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

(1) As used in this section:

(a) "Board" means the advisory board of the institute.

(b) "Institute" means the Florida Martin Luther King, Jr., Institute for Nonviolence.

(2) There is hereby created the Florida Martin Luther King, Jr., Institute for Nonviolence to be established at Miami-Dade Community College. The institute shall have an advisory board consisting of 13 members as follows: the Attorney General, the Commissioner of Education, and 11 members to be appointed by the Governor, such members to represent the population of the state based on its ethnic,

gender, and socioeconomic diversity. Of the members appointed by the Governor, one shall be a member of the Senate appointed by the Governor on the recommendation of the President of the Senate; one shall be a member of the Senate appointed by the Governor on the recommendation of the minority leader; one shall be a member of the House of Representatives appointed by the Governor on the recommendation of the Speaker of the House of Representatives; one shall be a member of the House of Representatives appointed by the Governor on the recommendation of the minority leader; and seven shall be members appointed by the Governor, no more than three of whom shall be members of the same political party. The following groups shall be represented by the seven members: the Florida Sheriffs Association; the Florida Association of Counties; the Florida League of Cities; state universities human services agencies; community relations or human relations councils; and youth. A chairperson shall be elected by the members and shall serve for a term of 3 years. Members of the board shall serve the following terms of office which shall be staggered:

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

(b) Of the seven members who are not members of the Legislature, three shall serve for terms of 4 years, two shall serve for terms of 3 years, and one shall serve for a term of 1 year. Thereafter, each member, except for a member appointed to fill an unexpired term, shall serve for a 5-year term. No member shall serve on the board for more than 10 years.

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

(3)(a) The board shall provide for the holding of regular and special meetings. A majority of the members shall constitute a quorum for the transaction of any business, and the acts of a majority of the members present at a meeting at which a quorum is present shall be deemed to be the acts of the board.

(b) An executive director shall be appointed by the board and shall be the chief administrative and operational officer of the board. The executive director shall direct and supervise administrative affairs and the general management of the board. The executive director may contract with or employ legal and technical experts and such other employees, permanent and temporary, as shall be authorized by the board.

(c) Members of the board shall serve without compensation, but shall be reimbursed for per diem and travel expenses in accordance with s. 112.061.

(4) The institute shall have the following powers and duties:

(a) To conduct training, provide symposia, and develop continuing education and programs to promote skills in nonviolent conflict resolution for persons in government, private enterprise, community groups, and voluntary associations.

(b) To enter into formal and informal relationships with other public or private institutions for purposes of fulfilling the goals of the institute and to ensure geographic dispersion of services to all regions of the state.

(c) To establish a clearinghouse to provide materials, including publications, handbooks, training manuals, and audiovisual materials, on the programs, studies, research, training, and educational opportunities of the institute.

(d) To adopt, amend, and alter bylaws not inconsistent with the laws of the state.

(e) To charge and collect subscription and other participation costs and fees for its services, including publications and courses of study.

(f) To receive and accept from any federal, state, or local agency grants, or advances for, or in aid of, the purposes of this act and to receive and accept contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied for said purposes.

(g) To do any and all lawful acts and things necessary or desirable to carry out the objectives and purposes of this act.

(5) The institute may establish fellowships through the awarding of financial assistance to individuals and organizations to enable them to pursue scholarly inquiry and study other appropriate forms of strategies for peace and nonviolent conflict resolution.

Section 228. Section 1004.77, Florida Statutes, is created to read:

1004.77 Centers of technology innovation.--

(1) The State Board of Education may designate centers of technology innovation at single community colleges, consortia of community colleges, or consortia of community colleges with other educational institutions. The state board shall adopt rules necessary to implement the provisions of

this section. The state board shall cooperate with the Workforce Florida, Inc., in the designation of the centers as it relates to the centers of applied technology.

(2) Centers shall be designated when a community college or consortia provides evidence that it has developed expertise in one or more specialized technologies. To be designated, the community college or consortia must provide benefits to the state, which may include, but are not limited to:

(a) Curriculum development.

(b) Faculty development.

(c) Research, testing, and technology transfer.

(d) Instructional equipment and materials identification and development.

(e) Partnerships with industries dependent upon staying current in the related technologies and in the development of workforce capabilities.

(f) Partnerships with industries needing to convert their existing technology base to other technologies in order to continue conducting business in Florida, including converting defense-related technologies to other technologies.

(3) Centers may provide services to their service area and receive funding through:

(a) Serving as a technology transfer center, as created in s. 1004.78.

(b) Serving as an incubator facility for small business concerns, as created in s. 1004.79.

(c) Serving as an economic development center, as created in s. 1004.80.

(4) Centers may provide instruction, as follows:

(a) To students enrolled in the community college,

especially for purposes of providing training for technicians in areas that support the employers involved in the technology specialization.

(b) To students enrolled at the undergraduate and graduate level in a university, college, or community college which is a member of the designated consortia. Such enrollment shall be funded by the enrolling institution.

(c) To employees in the service area needing training and retraining in the technology of specialization, which may include, but is not limited to, the retraining necessary to convert defense-related technologies to other technologies.

(d) To secondary school students and teachers where such instruction will stimulate interest in further education.

(5) The State Board of Education shall give priority in the designation of centers to those community colleges that specialize in technology in environmental areas and in areas related to target industries of Enterprise Florida. Priority in designation shall also be given to community colleges that develop new and improved manufacturing techniques and related business practices.

(6) Centers, including the facilities of the center, may be made available to the public agencies of the state, the counties and cities of the service area, and the employers of the state and service area. Centers may also be used for applied research in the area of specialization.

(7) Each center shall have a board of directors with at least five members who shall be appointed by the district board of trustees. The board of directors is responsible for overseeing the operation of the center, approval of the annual budget, and setting policy to guide the director in the operation of the center. The board of directors shall consist

of at least the following:

(a) The director of the center.

(b) The vice president of academic affairs, or the equivalent, of the community college.

(c) The vice president of business affairs, or the equivalent, of the community college.

(d) Two members designated by the president of the community college.

(8) Each center shall establish a schedule of fees or rates to be charged to all who use the facilities of the center. In addition, each center may negotiate user contracts with governmental users, industrial users, researchers, public or private educational institutions, or individuals for use of the facilities. It is the intent of the Legislature that the centers of technology innovation established pursuant to this act shall not seek any additional state funding. Centers may solicit and accept grants and donations, including, but not limited to, federal and state grants to assist companies in converting defense-related technologies to other technologies.

(9) The State Board of Education may award grants to designated centers for the purposes of this section. Grants awarded shall be in accordance with rules established by the State Board of Education, which rules shall require an annual report.

Section 229. Section 1004.78, Florida Statutes, is created to read:

1004.78 Technology transfer centers at community colleges.--

(1) Each community college may establish a technology transfer center for the purpose of providing institutional support to local business and industry and governmental

agencies in the application of new research in technology. The primary responsibilities of such centers may include: identifying technology research developed by universities, research institutions, businesses, industries, the United States Armed Forces, and other state or federal governmental agencies; determining and demonstrating the application of technologies; training workers to integrate advanced equipment and production processes; and determining for business and industry the feasibility and efficiency of accommodating advanced technologies.

(2) The community college board of trustees shall set such policies to regulate the activities of the technology transfer center as it may consider necessary to effectuate the purposes of this section and to administer the programs of the center in a manner which assures efficiency and effectiveness, producing the maximum benefit for the educational programs and maximum service to the state. To this end, materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions, or proprietary information received, generated, ascertained, or discovered during the course of activities conducted within the community colleges shall be confidential and exempt from the provisions of s. 119.07(1), except that a community college shall make available upon request the title and description of a project, the name of the investigator, and the amount and source of funding provided for such project.

(3) A technology transfer center created under the provisions of this section shall be under the supervision of the board of trustees of that community college, which is authorized to appoint a director; to employ full-time and

1 part-time staff, research personnel, and professional
2 services; to employ on a part-time basis personnel of the
3 community college; and to employ temporary employees whose
4 salaries are paid entirely from the permanent technology
5 transfer fund or from that fund in combination with other
6 nonstate sources, with such positions being exempt from the
7 requirements of the Florida Statutes relating to salaries,
8 except that no such appointment shall be made for a total
9 period of longer than 1 year.
10 (4) The board of trustees of the community college in
11 which a technology transfer center is created, or its
12 designee, may negotiate, enter into, and execute contracts;
13 solicit and accept grants and donations; and fix and collect
14 fees, other payments, and donations that may accrue by reason
15 thereof for technology transfer activities. The board of
16 trustees or its designee may negotiate, enter into, and
17 execute contracts on a cost-reimbursement basis and may
18 provide temporary financing of such costs prior to
19 reimbursement from moneys on deposit in the technology
20 transfer fund, except as may be prohibited elsewhere by law.
21 (5) A technology transfer center shall be financed
22 from the Academic Improvement Program or from moneys of a
23 community college which are on deposit or received for use in
24 the activities conducted in the center. Such moneys shall be
25 deposited by the community college in a permanent technology
26 transfer fund in a depository or depositories approved for the
27 deposit of state funds and shall be accounted for and
28 disbursed subject to audit by the Auditor General.
29 (6) The fund balance in any existing research trust
30 fund of a community college at the time a technology transfer
31 center is created shall be transferred to a permanent

technology transfer fund established for the community college, and thereafter the fund balance of the technology transfer fund at the end of any fiscal period may be used during any succeeding period pursuant to this section.

(7) Moneys deposited in the permanent technology transfer fund of a community college shall be disbursed in accordance with the terms of the contract, grant, or donation under which they are received. Moneys received for overhead or indirect costs and other moneys not required for the payment of direct costs shall be applied to the cost of operating the technology transfer center.

(8) All purchases of a technology transfer center shall be made in accordance with the policies and procedures of the community college.

(9) The community college board of trustees may authorize the construction, alteration, or remodeling of buildings when the funds used are derived entirely from the technology transfer fund of a community college or from that fund in combination with other nonstate sources, provided that such construction, alteration, or remodeling is for use exclusively by the center. It also may authorize the acquisition of real property when the cost is entirely from said funds. Title to all real property shall vest in the board of trustees.

(10) The State Board of Education may award grants to community colleges, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Education. Such rules shall include the following provisions:

(a) The number of centers established with state funds provided expressly for the purpose of technology transfer shall be limited, but shall be geographically located to maximize public access to center resources and services.

(b) Grants to centers funded with state revenues appropriated specifically for technology transfer activities shall be reviewed and approved by the State Board of Education using proposal solicitation, evaluation, and selection procedures established by the state board in consultation with Enterprise Florida, Inc. Such procedures may include designation of specific areas or applications of technology as priorities for the receipt of funding.

(c) Priority for the receipt of state funds appropriated specifically for the purpose of technology transfer shall be given to grant proposals developed jointly by community colleges and public and private colleges and universities.

(11) Each technology transfer center established under the provisions of this section shall establish a technology transfer center advisory committee. Each committee shall include representatives of a university or universities conducting research in the area of specialty of the center. Other members shall be determined by the community college board of trustees.

Section 230. Section 1004.79, Florida Statutes, is created to read:

1004.79 Incubator facilities for small business concerns.--

(1) Each community college established pursuant to s. 1004.02(2) may provide incubator facilities to eligible small business concerns. As used in this section, "small business

concern" shall be defined as an independently owned and operated business concern incorporated in Florida which is not an affiliate or a subsidiary of a business dominant in its field of operation, and which employs 25 or fewer full-time employees. "Incubator facility" shall be defined as a facility in which small business concerns share common space, equipment, and support personnel and through which such concerns have access to professional consultants for advice related to the technical and business aspects of conducting a commercial enterprise. The community college board of trustees shall authorize concerns for inclusion in the incubator facility.

(2) Each community college that provides an incubator facility shall provide the following:

(a) Management and maintenance of the incubator facility.

(b) Secretarial and other support personnel, equipment, and utilities.

(c) Mechanisms to assist with the acquisition of technical, management, and entrepreneurial expertise to resident and other local small business concerns.

(3) The incubator facility and any improvements to the facility shall be owned or leased by the community college. The community college may charge residents of the facility all or part of the cost for facilities, utilities, and support personnel and equipment. No small business concern shall reside in the incubator facility for more than 5 calendar years. The state shall not be liable for any act or failure to act of any small business concern residing in an incubator facility pursuant to this section or of any such concern benefiting from the incubator facilities program.

(4) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of spaceport endeavors and other high-technology enterprises may be served.

(5) Community colleges are encouraged to establish incubator facilities through which emerging small businesses supportive of development of content and technology for digital broadband media and digital broadcasting may be served.

Section 231. Section 1004.80, Florida Statutes, is created to read:

1004.80 Economic development centers.--

(1) Community colleges may establish economic development centers for the purpose of serving as liaisons between community colleges and the business sector. The responsibilities of each center shall include:

(a) Promoting the economic well-being of businesses and industries.

(b) Coordinating, with chambers of commerce, government agencies, district school boards, and other organizations, efforts to provide educational programs which promote economic development, including, but not limited to, business incubators, industrial development and research parks, industry recruitment efforts, publication of business research and resource guides, and sponsorship of workshops, conferences, seminars, and consultation services.

(2) The board of trustees of a community college in which an economic development center is created, or its designee, may negotiate, enter into, and execute contracts; solicit and accept grants and donations; and fix and collect fees, other payments, and donations that may accrue by reason

of activities of the center and its staff.

(3) Economic development centers shall operate under policies and procedures established by the community college board of trustees.

(4) The State Board of Education may award grants to economic development centers for the purposes of this section. Grants awarded pursuant to this subsection shall be in accordance with rules established by the State Board of Education.

Section 232. Section 1004.81, Florida Statutes, is created to read:

1004.81 Establishment of child development training centers at community colleges.--

(1) The Legislature recognizes the importance of preschool developmental education and the need for adult students with limited economic resources to have access to high-quality, affordable child care at variable hours for their children. It is therefore the intent of the Legislature that community colleges provide high-quality, affordable child care to the children of adult students enrolled in community colleges. The primary purpose of these child development training centers is to provide affordable child care for children of adult students, particularly those who demonstrate financial need, as well as for employees and staff of the institution. Further, the child development training centers are intended to provide both preschool instruction to the children and clinical experiences for prospective child care and early childhood instructional and administrative personnel. A secondary mission of the centers shall be to provide instruction in parenting skills for the clients of the center as well as for the community.

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(2) In consultation with the student government association or a recognized student group representing the student body, a community college board of trustees may establish a child development training center in accordance with this section. Each child development training center shall be a child care center established to provide child care during the day and at variable hours, including evenings and weekends, for the children of students. Emphasis should be placed on serving students who demonstrate financial need as defined by the board of trustees. At least 50 percent of the child care slots must be made available to students, and financially needy students, as defined by the board of trustees, shall receive child care slots first. The center may serve the children of staff, employees, and faculty; however, a designated number of child care slots shall not be allocated for employees. Whenever possible, the center shall be located on the campus of the community college. However, the board may elect to provide child care services for students through alternative mechanisms, which may include contracting with private providers.

(3) There shall be a board of directors of each child development training center, consisting of the president or his or her designee, the student government president or his or her designee, the chair of the department participating in the center or his or her designee, and one parent for each 25 children enrolled in the center, elected by the parents of the children enrolled in the center. There shall be a director of each center, selected by the board of directors of the center. The director shall be an ex officio, nonvoting member of the board. The board of trustees shall establish local policies and perform local oversight and operational guidance for the

1 center.
2 (4) Each center may charge fees for the care and
3 services it provides. Each board of trustees shall establish
4 mechanisms to facilitate access to center services for
5 students with financial need, which shall include a sliding
6 fee scale and other methods adopted by the board of trustees
7 to reduce or defray payment of fees for students. The board of
8 trustees is authorized to seek and receive grants and other
9 resources to support the operation of the child development
10 center.
11 (5) In addition to revenues derived from child care
12 fees charged to parents and other external resources, each
13 child development training center may be funded by a portion
14 of funds from the student activity and service fee authorized
15 by s. 1009.23(7) and the capital improvement fee authorized by
16 s. 1009.23(11). Community colleges are authorized to transfer
17 funds as necessary from the community college's general fund
18 to support the operation of the child development training
19 center.
20 (6) This section does not preclude the continuation of
21 or in any way affect child care centers operated by community
22 colleges that were established by the district board of
23 trustees prior to July 1, 1994.
24 Section 233. Part IV of chapter 1004, Florida
25 Statutes, shall be entitled "Workforce Development Education"
26 and shall consist of ss. 1004.91-1004.98.
27 Section 234. Section 1004.91, Florida Statutes, is
28 created to read:
29 1004.91 Vocational-preparatory instruction.--
30 (1) The State Board of Education shall adopt, by rule,
31 standards of basic skill mastery for certificate technical

education programs. Each school district and community college that conducts programs that confer technical credit shall provide vocational-preparatory instruction through which students receive the basic skills instruction required pursuant to this section.

(2) Students who enroll in a program offered for technical credit of 450 hours or more shall complete an entry-level examination within the first 6 weeks of admission into the program. The State Board of Education shall designate examinations that are currently in existence, the results of which are comparable across institutions, to assess student mastery of basic skills. Any student found to lack the required level of basic skills for such program shall be referred to vocational-preparatory instruction or adult basic education for a structured program of basic skills instruction. Such instruction may include English for speakers of other languages. A student may not receive a technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the program.

(3) An adult student with a disability may be exempted from the provisions of this section. A student who possesses a college degree at the associate in applied science level or higher is exempt from this section. A student who has completed or who is exempt from the college-level communication and computation skills examination pursuant to s. 1008.29, or who is exempt from the college entry-level examination pursuant to s. 1008.29 is exempt from the provisions of this section. Students who have passed a state, national or industry licensure exam are exempt from this section.

Section 235. Section 1004.92, Florida Statutes, is created to read:

1004.92 Purpose and responsibilities for career and technical education.--

(1) The purpose of career and technical education is to enable students who complete career and technical programs to attain and sustain employment and realize economic self-sufficiency. The purpose of this section is to identify issues related to career and technical education for which school boards and community college boards of trustees are accountable. It is the intent of the Legislature that the standards articulated in subsection (2) be considered in the development of accountability standards for public schools pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for community colleges pursuant to s. 1008.45.

(2) School board, superintendent, and technical center, and community college board of trustees and president, accountability for career and technical education programs includes, but is not limited to:

1. Student demonstration of the academic skills necessary to enter an occupation.

2. Student preparation to enter an occupation in an entry-level position or continue postsecondary study.

3. Career and technical program articulation with other corresponding postsecondary programs and job training experiences.

4. Employer satisfaction with the performance of students who complete career and technical education or reach occupational completion points.

5. Student completion, placement, and retention rates pursuant to s. 1008.43.

(c) Department of Education accountability for career and technical education includes, but is not limited to:

1. The provision of timely, accurate technical assistance to school districts and community colleges.

2. The provision of timely, accurate information to the State Board of Education, the Legislature, and the public.

3. The development of policies, rules, and procedures that facilitate institutional attainment of the accountability standards and coordinate the efforts of all divisions within the department.

4. The development of program standards and industry-driven benchmarks for career and technical, adult, and community education programs, which must be updated every 3 years. The standards must include technical, academic, and workplace skills; viability of distance learning for instruction; and work/learn cycles that are responsive to business and industry.

5. Overseeing school district and community college compliance with the provisions of this chapter.

6. Ensuring that the educational outcomes for the technical component of career and technical programs and are uniform and designed to provide a graduate who is capable of entering the workforce on an equally competitive basis regardless of the institution of choice.

(3) Each technical center operated by a district school board shall establish a center advisory council pursuant to s. 1001.452. The center advisory council shall assist in the preparation and evaluation of center improvement plans required pursuant to s. 1001.42(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. 1008.385(1).

Section 236. Section 1004.93, Florida Statutes, is created to read:

1004.93 Adult general education.--

(1)(a) The intent of this section is to encourage the provision of educational services that will enable adults to acquire:

1. The basic skills necessary to attain basic and functional literacy.

2. A high school diploma or successfully complete the general educational development test.

3. An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.

(b) It is further intended that educational opportunities be available for adults who have earned a diploma or high school equivalency diploma but who lack the basic skills necessary to function effectively in everyday situations, to enter the job market, or to enter technical certificate instruction.

(2) The adult education program must provide academic services to students in the following priority:

(a) Students who demonstrate skills at less than a fifth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve basic literacy.

(b) Students who demonstrate skills at the fifth grade level or higher, but below the ninth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve functional literacy.

(c) Students who are earning credit required for a high school diploma or who are preparing for the general educational development test.

(d) Students who have earned high school diplomas and require specific improvement in order to:

1. Obtain or maintain employment or benefit from certificate technical education programs;

2. Pursue a postsecondary degree; or

3. Develop competence in the English language to qualify for employment.

(e) Students who enroll in lifelong learning courses or activities that seek to address community social and economic issues that consist of health and human relations, government, parenting, consumer economics, and senior citizens.

(f) Students who enroll in courses that relate to the recreational or leisure pursuits of the students. The cost of courses conducted pursuant to this paragraph shall be borne by the enrollees.

(3)(a) Each district school board or community college board of trustees shall negotiate with the regional workforce board for basic and functional literacy skills assessments for participants in the welfare transition employment and training programs. Such assessments shall be conducted at a site mutually acceptable to the district school board or community college board of trustees and the regional workforce board.

(b) State employees who are employed in local or regional offices of state agencies shall inform clients of the availability of adult basic and secondary programs in the region. The identities of clients who do not possess high school diplomas or who demonstrate skills below the level of

functional literacy shall be conveyed, with their consent, to the local school district or community college, or both.

(c) To the extent funds are available, the Department of Children and Family Services shall provide for day care and transportation services to clients who enroll in adult basic education programs.

(4)(a) Adult general education shall be evaluated and funded as provided in s. 1011.80.

(b) Fees adult basic instruction are to be charged in accordance with chapter 1009.

(c) The State Board of Education shall define, by rule, the levels and courses of instruction to be funded through the college-preparatory program. The state board shall coordinate the establishment of costs for college-preparatory courses, the establishment of statewide standards that define required levels of competence, acceptable rates of student progress, and the maximum amount of time to be allowed for completion of college-preparatory instruction. College-preparatory instruction is part of an associate in arts degree program and may not be funded as an adult and technical education program.

(d) Expenditures for college-preparatory and lifelong learning students shall be reported separately. Allocations for college-preparatory courses shall be based on proportional full-time equivalent enrollment. Program review results shall be included in the determination of subsequent allocations. A student shall be funded to enroll in the same college-preparatory class within a skill area only twice, after which time the student shall pay 100 percent of the full cost of instruction to support the continuous enrollment of that student in the same class; however, students who withdraw

or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each community college shall have the authority to review and reduce payment for increased fees due to continued enrollment in a college-preparatory class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education. College-preparatory and lifelong learning courses do not generate credit toward an associate or baccalaureate degree.

(e) A district school board or a community college board of trustees may negotiate a contract with the regional workforce board for specialized services for participants in the welfare transition program, beyond what is routinely provided for the general public, to be funded by the regional workforce board.

(5) If students who have been determined to be adults with disabilities are enrolled in workforce development programs, the funding formula must provide additional incentives for their achievement of performance outputs and outcomes.

(6) The commissioner shall recommend the level of funding for public school and community college adult education within the legislative budget request and make other recommendations and reports considered necessary or required by rules of the State Board of Education.

(7) Buildings, land, equipment, and other property owned by a district school board or community college board of trustees may be used for the conduct of the adult education program. Buildings, land, equipment, and other property owned

or leased by cooperating public or private agencies, organizations, or institutions may also be used for the purposes of this section.

(8) The State Board of Education may adopt rules necessary for the implementation of this section.

Section 237. Section 1004.94, Florida Statutes, is created to read:

1004.94 Adult literacy.--

(1)(a) An adult, individualized literacy instruction program is created for adults who possess literacy skills below the ninth grade level. The purpose of the program is to provide self-paced, competency-based, individualized tutorial instruction. The commissioner shall administer this section in coordination with community college boards of trustees, local school boards, and the Division of Library and Information Services of the Department of State.

(b) Local adult, individualized literacy instruction programs may be coordinated with local public library systems and with public or private nonprofit agencies, organizations, or institutions. A local public library system and a public or private nonprofit agency, organization, or institution may use funds appropriated for the purposes of this section to hire program coordinators. Such coordinators shall offer training activities to volunteer tutors and oversee the operation of local literacy programs. A local public library system and a public or private nonprofit agency, organization, or institution may also purchase student instructional materials and modules that instruct tutors in the teaching of basic and functional literacy and English for speakers of other languages. To the extent funds are appropriated, cooperating local library systems shall purchase, and make

available for loan, reading materials of high interest and with a vocabulary appropriate for use by students who possess literacy skills below the ninth grade level and students of English for speakers of other languages.

(2)(a) The adult literacy program is intended to increase adult literacy as prescribed in the agency functional plan of the Department of Education. The commissioner shall establish guidelines for the purpose of determining achievement of this goal.

(b) Each participating local sponsor shall submit an annual report to the commissioner which must contain information to demonstrate the extent to which there has been progress toward increasing the percentage of adults within the service area who possess literacy skills.

(c) Based on the information provided from the local reports, the commissioner shall develop an annual status report on literacy and adult education.

(3) Funds appropriated for the purposes of this section shall be allocated as grants for implementing adult literacy programs. Such funds may not be used to supplant funds used for activities that would otherwise be conducted in the absence of literacy funding. A grant awarded pursuant to this section may not exceed $50,000. Priority for the use of such funds shall be given to paying expenses related to the instruction of volunteer tutors, including materials and the salary of the program coordinator. Local sponsors may also accept funds from private sources for the purposes of this section.

(4)(a) The commissioner shall submit a state adult literacy plan to the State Board of Education to serve as a reference for district school boards and community colleges

boards of trustees to increase adult literacy in their service areas as prescribed in the agency functional plan of the Department of Education. The plan must include, at a minimum:

1. Policies and objectives for adult literacy programs, including evaluative criteria.

2. Strategies for coordinating adult literacy activities with programs and services provided by other state and local nonprofit agencies, as well as strategies for maximizing other funding, resources, and expertise.

3. Procedures for identifying, recruiting, and retaining adults who possess literacy skills below the ninth grade level.

4. Sources of relevant demographic information and methods of projecting the number of adults who possess literacy skills below the ninth grade level.

5. Acceptable methods of demonstrating compliance with the provisions of this section.

6. Guidelines for the development and implementation of local adult literacy plans. At a minimum, such guidelines must address:

a. The recruitment and preparation of volunteer tutors.

b. Interagency and intraagency cooperation and coordination, especially with public libraries and other sponsors of literacy programs.

c. Desirable learning environments, including class size.

d. Program evaluation standards.

e. Methods for identifying, recruiting, and retaining adults in literacy programs.

f. Adult literacy through family literacy and

workforce literacy programs.

(b) Every 3 years, the district school board or community college board of trustees shall develop and maintain a local adult literacy plan.

Section 238. Section 1004.95, Florida Statutes, is created to read:

1004.95 Adult literacy centers.--

(1) The Commissioner of Education shall select community colleges and public school districts to establish and operate adult literacy centers to complement existing public and private instructional adult literacy programs. The centers shall identify, contact, counsel, and refer persons considered to be lacking basic or functional literacy skills or competencies related to prose, document, and quantitative literacy skills to the appropriate private and public agencies, including human service agencies. The centers may not duplicate or supplant the existing services provided by public and private agencies operating within the district.

(2) In selecting program participants, the Commissioner of Education shall, at a minimum, consider the extent to which:

(a) Cooperative arrangements with other state and local agreements and innovative approaches will be used for carrying out the role of the center;

(b) Similar services are provided within the service delivery area;

(c) The program objectives may be accomplished within the budget request;

(d) Provisions are made for monitoring program performance; and

(e) Fiscal controls and fund accounting procedures

exist to ensure proper use of, and accounting for, the program funds.

(3) The activities and funding of center operations shall be reported in a separate and distinct manner.

(4) The State Board of Education shall develop rules for implementing this section, including criteria for evaluating the performance of the centers, and shall submit an evaluation report of the centers to the Legislature on or before February 1 of each year.

Section 239. Section 1004.96, Florida Statutes, is created to read:

1004.96 Community education.--

(1) Pursuant to this section and State Board of Education rule, each school board and the Board of Trustees for the Florida School for the Deaf and Blind may apply to the Department of Education for a community education grant. An applicant shall include in the grant application a description of the community education program and process through which the program is developed.

(2) The department shall give priority to applications that include:

(a) Centers that serve the most students within available resources.

(b) Programs for which funds are matched by the Federal Government or other nonstate sources and which are appropriate within the context of community education.

(c) Programs that provide before-school and after-school activities for children.

Section 240. Section 1004.97, Florida Statutes, is created to read:

1004.97 Florida Literacy Corps.--

(1) It is the intent of the Legislature that eligible postsecondary students be offered an opportunity to perform public service by serving as volunteer tutors for adults who do not possess basic or functional literacy skills.

(2) There is created a Florida Literacy Corps to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. Participating students earn college credit for tutoring adults who do not possess basic or functional literacy skills pursuant to an agreement between the institution in which the student is enrolled and the district school board, community college board of trustees, public library, or nonprofit organization offering literacy instruction to adults pursuant to s. 1004.94. The district school board, community college board of trustees, public library, or nonprofit organization is solely responsible for providing literacy programs and instructing participating postsecondary students.

(3) In order to be eligible to participate in the Florida Literacy Corps, a student must:

(a) Be enrolled in an eligible state university or community college at least half time and be in good standing, as defined by the institution.

(b) Have completed at least 12 semester hours of college-level coursework that applies toward an associate in arts or baccalaureate degree.

(c) Have attained a passing score on one of the postsecondary entry-level examinations approved pursuant to State Board of Education rule, be exempt from the administration of such examination, or have successfully completed any required college-preparatory instruction.

(4) In order to be eligible to participate in the

Florida Literacy Corps, a state university or community college must:

(a) Establish one or more undergraduate or graduate courses, or both, in which participating students may earn a maximum of 3 credit hours per semester, and a maximum of 6 credit hours over two or more semesters, by tutoring adults who do not possess basic or functional literacy skills. The institution shall establish such courses in the common course designation and numbering system. The courses must require students to complete instruction for prospective tutors, tutor adults for at least 25 hours per semester for each hour of credit awarded, and satisfy any other requirements imposed by the institution.

(b) Submit a proposal to the Department of Education for review and approval. The proposal must include, but is not limited to:

1. Identification of the school district, community college, public library, or nonprofit organization with which participating students will be working.

2. Demonstration of the need for literacy tutors by the school district, community college, public library, or nonprofit organization.

3. Demonstration of commitment by the public school, community college, public library, or nonprofit organization to provide instruction for tutors.

4. Description of the literacy program.

5. Demonstration of student interest in program participation.

6. Designation of one or more faculty to conduct the Florida Literacy Corps course and identification of the qualifications of such faculty.

(5) From funds appropriated for the purposes of this section, the department shall allocate an amount for each approved proposal based on the number of students approved for enrollment and subsequently enrolled in Florida Literacy Corps courses.

(6) Each participating state university and community college shall submit an annual report to the Commissioner of Education which includes, but is not limited to:

(a) The number of hours of tutoring conducted by participating students.

(b) The number of students enrolled in the courses.

(c) The number of students who successfully complete the courses.

(d) An evaluation of the tutors' effectiveness as judged by the participating school district, community college, public library, or nonprofit organization. The department shall develop a common evaluation form for this purpose.

(e) The number of full-time equivalent enrollments generated by the participating students.

(7) The department shall compile the annual reports into a single, annual programmatic report to be submitted to the State Board of Education by December 1 of each year.

Section 241. Section 1004.98, Florida Statutes, is created to read:

1004.98 Workforce literacy programs.--

(1) The workforce literacy program is established within the community colleges and school districts to ensure the existence of sufficient numbers of employees who possess the skills necessary to perform in entry-level occupations and to adapt to technological advances in the workplace.

Workforce literacy programs are intended to support economic development by increasing adult literacy and producing an educated workforce.

(2) Each community college and school district may conduct courses and programs through which adults gain the communication and computation skills necessary to complete a career and technical program, to gain or maintain entry-level employment, or to upgrade employment. Courses may not be conducted until the community college or school district identifies current and prospective employees who do not possess the skills necessary to enter career and technical programs or to obtain or maintain employment.

(3) A community college or school district may be eligible to fund a workforce literacy program pursuant to the provisions of s. 1004.94.

Section 242. Chapter 1005, Florida Statutes, shall be entitled "Nonpublic Postsecondary Education" and shall consist of ss. 1005.01-1005.39.

Section 243. Part I of chapter 1005, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1005.01-1005.06.

Section 244. Section 1005.01, Florida Statutes, is created to read:

1005.01 Purpose.--

(1) The Legislature encourages privately supported higher education and intends to aid in protecting the health, education, and welfare of persons who receive educational services from independent postsecondary educational institutions in this state; to aid in protecting employers and others who depend upon people whose educational credentials are from independent postsecondary educational institutions in

this state; and to aid in protecting independent postsecondary educational institutions that currently operate or intend to begin operating in this state. The Legislature finds that both individuals and independent postsecondary educational institutions benefit from a state system that assures that all institutions satisfactorily meet minimum educational standards. The Legislature further recognizes the role of federally recognized accrediting associations in setting standards for independent postsecondary educational institutions and encourages the use of recognized accreditation standards as general guidelines for the licensure of independent postsecondary educational institutions.

(2) The Legislature recognizes that a degree, diploma, or other educational credential serves several purposes. Employers rely upon a person's educational credentials in judging that person's qualifications for employment. Educators rely upon a person's educational credentials to assess the adequacy of that person's preparation for the pursuit of further education. Therefore, the Legislature intends that the provisions of this chapter aid in protecting the integrity of degrees, diplomas, and other educational credentials offered by independent postsecondary educational institutions by providing for the evaluation of minimum educational requirements.

(3) The Legislature intends to prohibit the granting of false or misleading educational credentials and to prohibit misleading literature, advertising, solicitation, or representations by independent postsecondary educational institutions or their agents.

Section 245. Section 1005.02, Florida Statutes, is

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created to read:

1005.02 Definitions.--As used in this chapter, the term:

(1) "Accreditation" means accredited status awarded to an institution by an accrediting agency or association that is recognized by the United States Department of Education and that has standards comparable to the minimum standards required to operate an educational institution at that level in this state.

(2) "Agent" means a person who is employed by an independent postsecondary educational institution under the jurisdiction of the Commission for Independent Education, or by an out-of-state independent postsecondary educational institution, and who secures an application or accepts payment of fees from prospective students for the institution at any place other than the legal place of business of the institution.

(3) "Avocational" means a course or program the objective of which is not occupational but is only for personal enrichment or enjoyment. To be classified as avocational, a program must:

(a) Prior to enrollment, provide to each enrollee, and maintain a record copy of, a written statement that includes the following or substantially similar language: "This program is not designed or intended to qualify its participants and graduates for employment. It is intended solely for the avocation, personal enrichment, and enjoyment of its participants."

(b) Not make any other verbal or written statement that negates the required written statement by stating or implying that people who enroll in or complete the program

have a more substantial likelihood of obtaining employment in the field to which the training pertains than people who do not.

(4) "College" or "university" means any incorporated postsecondary educational entity, and its additional locations, offering a substantially complete program that confers or offers to confer at least an associate degree requiring at least 15 semester hours or the equivalent of general education, or that furnishes or offers to furnish instruction leading toward, or prerequisite to, college credit. The terms include any college-credit-granting independent educational institution that is chartered in this state and any center or branch campus within this state of an out-of-state institution at the college-credit level.

(5) "Commission" means the Commission for Independent Education.

(6) "Contract training" means instruction or training provided through a written contract with an independent contractor whose fees and any other charges are entirely paid by a company, trade or professional association, or group of employers to provide the instruction exclusively to bona fide employees of the entity that engaged the contractor. The term applies only when those receiving training are selected by their employer and are not recruited by the contractor.

(7) "Degree" means any educational credential that is generally taken to signify satisfactory completion of the requirements of an undergraduate, graduate, academic, educational, or professional program of study or any honorary credential conferred for meritorious recognition. At the undergraduate level, an institution may not award a degree for a program unless it includes a general education component as

1 established by rule and at least 60 semester hours or 90
2 quarter hours of study or the equivalent.
3 (8) "Diploma" means a credential that is not a degree
4 but is any of the following: a certificate, transcript,
5 report, document, or title; a designation, mark, or
6 appellation; or a series of letters, numbers, or words that
7 generally are taken to signify satisfactory completion of the
8 requirements of an educational, technical, or career program
9 of study or training or course of study.
10 (9) "Examination preparation course" means a course or
11 program that does not offer to confer a diploma, that is
12 offered by a person or entity that discloses in all
13 advertising that the course or program is for test
14 preparation, and that does not include any expression or
15 implication in writing or orally regarding salaries, job
16 placement, or career advancement.
17 (10) "Governmental" means an institution provided,
18 operated, and supported by a federal, state, or county
19 government or any of its political subdivisions.
20 (11) "Independent postsecondary educational
21 institution" means any postsecondary educational institution
22 that operates in this state or makes application to operate in
23 this state, and is not provided, operated, and supported by
24 the State of Florida, its political subdivisions, or the
25 Federal Government.
26 (12) "In-service, continuing education, or
27 professional development" means training provided by:
28 (a) A trade or professional association or a group of
29 employers in the same or related business who offer training
30 and provide only professional-development programs to bona
31 fide employees or contractors of an employer who is a member

of the association or employers who qualify for membership;

(b) A labor union or group of labor unions that offer training to and trains only those persons who are dues-paying members of the participating labor union;

(c) An independent contractor engaged by the labor union or group of labor unions, by written contract, to provide the training on its behalf exclusively to those who are selected by the labor union or group of labor unions that engaged the contractor and who are dues-paying members of that union; or

(d) A person or entity offering only continuing-education programs to persons who engage in an occupation or profession whose practitioners are subject to licensure, certification, or registration by a state agency that recognizes the programs for continuing-education purposes and provides a written statement of the recognition.

(13) "License" means a certificate signifying that an independent postsecondary educational institution meets standards prescribed in statute or rule and is permitted to operate in this state.

(14) "Operating in this state" means any of the following:

(a) Maintaining for any purpose related to offering a degree, diploma, or credit a physical location in this state, a mailing address in this state, a telephone or facsimile number in this state, or a mail forwarding service or telephone answering or relay service in this state or advertising any such presence; or

(b) By any means or device, facilitating in this state any part of a scheme to offer a degree, diploma, or credit, or any activity connected with the administration, promotion,

recruitment, placement, instruction, fee collection or receipt, or any other function of a purported independent postsecondary educational institution, other than periodic and customary contact with the institution's own alumni.

(15) "Out-of-state college" or "out-of-state school" means any independent postsecondary educational institution where the place of instruction, the legal place of residence, or the place of evaluation of instruction or work by correspondence or distance education is not within the legal boundaries of this state.

(16) "School" means any nonpublic postsecondary noncollegiate educational institution, association, corporation, person, partnership, or organization of any type which:

(a) Offers to provide or provides any complete, or substantially complete, postsecondary program of instruction through the student's personal attendance; in the presence of an instructor; in a classroom, clinical, or other practicum setting; or through correspondence or other distance education;

(b) Represents, directly or by implication, that the instruction will qualify the student for employment in an occupation for which a degree is not required in order to practice in this state;

(c) Receives remuneration from the student or any other source based on the enrollment of a student or the number of students enrolled; or

(d) Offers to award or awards a diploma, regardless of whether it conducts instruction or receives remuneration.

Section 246. Section 1005.03, Florida Statutes, is created to read:

1 1005.03 Designation "college" or "university".--
2 (1) The use of the designation "college" or
3 "university" in combination with any series of letters,
4 numbers, or words is restricted in this state to colleges or
5 universities as defined in s. 1005.02 that offer degrees as
6 defined in s. 1005.02 and fall into at least one of the
7 following categories:
8 (a) A Florida public college.
9 (b) A Florida or out-of-state college that has been in
10 active operation and using the designation "college" or
11 "university" since April 1, 1970.
12 (c) A college for which the commission has issued a
13 license pursuant to the provisions of this chapter.
14 (d) A college that is under the jurisdiction of the
15 Division of Colleges and Universities of the Department of
16 Education, whose students are eligible for the William L.
17 Boyd, IV, Florida Resident Access Grant, and that is a
18 nonprofit independent college or university located and
19 chartered in this state and accredited by the Commission on
20 Colleges of the Southern Association of Colleges and Schools
21 to grant baccalaureate degrees.
22 (e) A college that meets the description of either s.
23 1005.06(1)(e) or s. 1005.06(1)(f).
24 (2) If a college is approved under subsection (1) to
25 use the designation "college" or "university," a branch or
26 extension of that college may use the name of the parent
27 college, but shall include an indication of the location of
28 the branch or extension.
29 (3) Any entity offering postsecondary educational
30 courses or programs of study in Florida, whether or not
31 college credit is awarded, shall be subject to the provisions

of this section.

(4) An entity shall not use the destination "college" or "university" in its name in Florida without approval by the commission, unless the commission determines that its name is clearly and accurately descriptive of the services provided by the entity and is not one that may mislead the public.

Section 247. Section 1005.04, Florida Statutes, is created to read:

1005.04 Fair consumer practices.--

(1) Every institution that is under the jurisdiction of the commission or is exempt from the jurisdiction or purview of the commission pursuant to s. 1005.06(1)(c) or (1)(f) and that either directly or indirectly solicits for enrollment any student shall:

(a) Disclose to each prospective student a statement of the purpose of such institution, its educational programs and curricula, a description of its physical facilities, its status regarding licensure, its fee schedule and policies regarding retaining student fees if a student withdraws, and a statement regarding the transferability of credits to and from other institutions. The institution shall make the required disclosures in writing at least 1 week prior to enrollment or collection of any tuition from the prospective student. The required disclosures may be made in the institution's current catalog.

(b) Use a reliable method to assess, before accepting a student into a program, the student's ability to complete successfully the course of study for which he or she has applied;

(c) Inform each student accurately about financial assistance and obligations for repayment of loans; describe

any employment placement services provided and the limitations thereof; and refrain from promising or implying guaranteed placement, market availability, or salary amounts;

(d) Provide to prospective and enrolled students accurate information regarding the relationship of its programs to state licensure requirements for practicing related occupations and professions in Florida;

(e) Ensure that all advertisements are accurate and not misleading;

(f) Publish and follow an equitable prorated refund policy for all students, and follow both the federal refund guidelines for students receiving federal financial assistance and the minimum refund guidelines set by commission rule;

(g) Follow the requirements of state and federal laws that require annual reporting with respect to crime statistics and physical plant safety and make those reports available to the public; and

(h) Publish and follow procedures for handling student complaints, disciplinary actions, and appeals.

(2) In addition, institutions that are required to be licensed by the commission shall disclose to prospective students that additional information regarding the institution may be obtained by contacting the Commission for Independent Education, Department of Education, Tallahassee.

Section 248. Section 1005.05, Florida Statutes, is created to read:

1005.05 Certificate and diploma programs.--No nonpublic college shall continue to conduct or begin to conduct any diploma program as defined in s. 1005.02, unless the college applies for and obtains approval for such program. Colleges under the jurisdiction of the Commission for

Independent Education shall apply to the commission. Colleges that are not under the jurisdiction of the commission shall apply to the Department of Education.

Section 249. Section 1005.06, Florida Statutes, is created to read:

1005.06 Institutions not under the jurisdiction or purview of the commission.--

(1) Except as otherwise provided in law, the following institutions are not under the jurisdiction or purview of the commission and are not required to obtain licensure:

(a) Any postsecondary educational institution provided, operated, or supported by this state, its political subdivisions, or the Federal Government.

(b) Any college, school, or course licensed or approved for establishment and operation under part I of chapter 464, chapter 466, or chapter 475, or any other chapter of the Florida Statutes requiring licensing or approval as defined in this chapter.

(c) Any institution that is under the jurisdiction of the Division of Colleges and Universities of the Department of Education, whose students are eligible for the William L. Boyd, IV, Florida Resident Access Grant, and that is a nonprofit independent college or university located and chartered in this state and accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

(d) Any institution that offers only avocational programs or courses, examination preparation programs or courses, contract training programs or courses, continuing education, or professional development programs or courses.

(e) Any institution that was exempt from licensure in

1 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as
2 it maintains these qualifying criteria: the institution is
3 incorporated in this state, the institution's credits or
4 degrees are accepted for credit by at least three colleges
5 that are fully accredited by an agency recognized by the
6 United States Department of Education, the institution was
7 exempt under that category prior to July 1, 1982, and the
8 institution does not enroll any students who receive state or
9 federal financial aid for education. Such an institution shall
10 notify the commission and apply for licensure if it no longer
11 meets these criteria.
12 (f) A religious college may operate without
13 governmental oversight if the college annually verifies by
14 sworn affidavit to the commission that:
15 1. The name of the institution includes a religious
16 modifier or the name of a religious patriarch, saint, person,
17 or symbol of the church.
18 2. The institution offers only educational programs
19 that prepare students for religious vocations as ministers,
20 professionals, or laypersons in the categories of ministry,
21 counseling, theology, education, administration, music, fine
22 arts, media communications, or social work.
23 3. The titles of degrees issued by the institution
24 cannot be confused with secular degree titles. For this
25 purpose, each degree title must include a religious modifier
26 that immediately precedes, or is included within, any of the
27 following degrees: Associate of Arts, Associate of Science,
28 Bachelor of Arts, Bachelor of Science, Master of Arts, Master
29 of Science, Doctor of Philosophy, and Doctor of Education. The
30 religious modifier must be placed on the title line of the
31 degree, on the transcript, and whenever the title of the

degree appears in official school documents or publications.

4. The duration of all degree programs offered by the institution is consistent with the standards of the commission.

5. The institution's consumer practices are consistent with those required by s. 1005.04.

The commission may provide such a religious institution a letter stating that the institution has met the requirements of state law and is not subject to governmental oversight.

(g) Any institution that is regulated by the Federal Aviation Administration, another agency of the Federal Government, or an agency of the state whose regulatory laws are similar in nature and purpose to those of the commission and require minimum educational standards, for at least curriculum, instructors, and academic progress and provide protection against fraudulent, deceptive, and substandard education practices.

(2) The Department of Education may contract with the Commission on Independent Education to provide services for independent postsecondary educational institutions not under the jurisdiction of the commission relating to licensure of postsecondary technical certificate and diploma programs that such institutions may wish to offer and preliminary review of programs such institutions may wish to offer which are beyond the scope of the institutions's current accreditation status. Upon completion of its review, the commission shall forward its recommendation to the department for final action. The department shall assess the institution seeking such services the cost to the commission of providing such services. Revenues collected pursuant to this provision shall be

1 deposited in the Institutional Assessment Trust Fund.
2 Section 250. Part II of chapter 1005, Florida
3 Statutes, shall be entitled "Commission for Independent
4 Education" and shall consist of ss. 1005.21-1005.22.
5 Section 251. Section 1005.21, Florida Statutes, is
6 created to read:
7 1005.21 Commission for Independent Education.--
8 (1) There is established in the Department of
9 Education the Commission for Independent Education. The
10 department shall serve as the administrative agent of the
11 commission by providing services, including payroll,
12 procurement, and legal counsel. The commission shall exercise
13 independently all powers, duties, and functions prescribed by
14 law. The commission shall authorize the granting of diplomas
15 and degrees by any independent postsecondary educational
16 institution under its jurisdiction.
17 (2) The Commission for Independent Education shall
18 consist of seven members who are residents of this state. The
19 commission shall function in matters concerning independent
20 postsecondary educational institutions in consumer protection,
21 program improvement, and licensure for institutions under its
22 purview. The Governor shall appoint the members of the
23 commission who are subject to confirmation by the Senate. The
24 membership of the commission shall consist of:
25 (a) Two representatives of independent colleges or
26 universities licensed by the commission.
27 (b) Two representatives of independent,
28 nondegree-granting schools licensed by the commission.
29 (c) One member from a public school district or
30 community college who is an administrator of career and
31 technical education.

(d) One representative of a college that meets the criteria of s. 1005.06(1)(f).

(e) One lay member who is not affiliated with an independent postsecondary educational institution.

(3) The members of the commission shall be appointed to 3-year terms and until their successors are appointed and qualified. If a vacancy on the commission occurs before the expiration of a term, the Governor shall appoint a successor to serve the unexpired portion of the term.

(4) The commission shall meet at least four times each fiscal year.

(5) Members of the commission are entitled to reimbursement for travel and per diem expenses, as provided in s. 112.061, while performing their duties.

(6) Each member is accountable to the Governor for the proper performance of the duties of his or her office. The Governor may remove from office any member for cause.

Section 252. Section 1005.22, Florida Statutes, is created to read:

1005.22 Powers and duties of commission.--

(1) The commission shall:

(a) Hold meetings as necessary to administer its duties.

(b) Annually select a chairperson and a vice chairperson, appoint and review an executive director, and authorize the executive director to appoint employees of the commission.

(c) Adopt and use an official seal in the authentication of its acts.

(d) Make rules for its own governance.

(e) Administer the provisions of this chapter. To this

end, the commission has the following administrative powers and responsibilities:

1. The commission shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the operation and establishment of independent postsecondary educational institutions. The commission shall submit the rules to the State Board of Education for approval or disapproval. If the state board does not act on a rule within 60 days after receiving it, the rule shall be filed immediately with the Department of State.

2. The commission shall submit an annual budget to the State Board of Education.

3. The commission shall transmit all fees, donations, and other receipts of money to the Institutional Assessment Trust Fund.

4. The commission shall expend funds as necessary to assist in the application and enforcement of its powers and duties. The Chief Financial Officer shall pay out all moneys and funds as directed under this chapter upon vouchers approved by the Department of Education for all lawful purposes necessary to administering this chapter. The commission shall make annual reports to the State Board of Education showing in detail amounts received and all expenditures. The commission shall include in its annual report to the State Board of Education a statement of its major activities during the period covered by the report.

(f) Maintain a record of its proceedings.

(g) Cooperate with other state and federal agencies and other nongovernmental agencies in administering its duties.

(h) Cause to be investigated criminal justice information, as defined in s. 943.045, for each owner,

administrator, and agent employed by an institution applying for licensure from the commission.

(i) Serve as a central agency for collecting and distributing current information regarding institutions licensed by the commission.

(j) Inform independent postsecondary educational institutions of laws adopted by the Legislature and rules adopted by the State Board of Education and the commission and of their responsibility to follow those laws and rules.

(k) Establish and publicize the procedures for receiving and responding to complaints from students, faculty, and others concerning institutions or programs under the purview of the commission, and keep records of such complaints in order to determine the frequency and nature of complaints with respect to specific institutions of higher education.

(l) Provide annually to the Office of Student Financial Assistance of the Department of Education information and documentation that can be used to determine an institution's eligibility to participate in state student financial assistance programs.

(m) Coordinate and convey annual reports to the Commissioner of Education relating to campus crime statistics, the assessment of physical plant safety, and the antihazing policies of nonpublic postsecondary educational institutions eligible to receive state-funded student assistance, as required by law.

(n) Identify and report to the Office of Student Financial Assistance the accrediting associations recognized by the United States Department of Education which have standards that are comparable to the minimum standards required to operate an institution at that level in this

state.

(o) Assure that an institution is not required to operate without a current license because of the schedule of commission meetings or application procedures, if the institution has met the commission's requirements for licensure or license renewal.

(2) The commission may:

(a) Sue or be sued.

(b) Enter into contracts with the Federal Government, with other departments of the state, or with individuals.

(c) Receive bequests and gifts, subject to any restrictions upon which the commission and the donor agree.

(d) Appoint standing or special committees to assist it in carrying out its responsibilities. Committees may include members who are not commission members or representatives of licensed postsecondary institutions.

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

(f) Delegate to the chairperson of the commission the responsibility for signing final orders.

(g) Assist independent postsecondary educational institutions in formulating articulation agreements with public and other independent institutions.

(h) Establish and operate additional offices in the central and southern part of the state if the concentration of licensed institutions renders such an office economically feasible.

(i) Establish and administer the Student Protection Fund pursuant to s. 1005.37.

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Section 253. Part III of chapter 1005, Florida Statutes, shall be entitled "Licensure of Nonpublic Postsecondary Educational Institutions" and shall consist of ss. 1005.31-1005.39.

Section 254. Section 1005.31, Florida Statutes, is created to read:

1005.31 Licensure of institutions.--

(1) Each college or school operating within this state must obtain licensure from the commission unless the institution is not under the commission's purview or jurisdiction as provided in s. 1005.06.

(2) The commission shall develop minimum standards by which to evaluate institutions for licensure. These standards must include at least the institution's name, financial stability, purpose, administrative organization, admissions and recruitment, educational programs and curricula, retention, completion, career placement, faculty, learning resources, student personnel services, physical plant and facilities, publications, and disclosure statements about the status of the institution with respect to professional certification and licensure. The commission may adopt rules to ensure that institutions licensed under this section meet these standards in ways that are appropriate to achieve the stated intent of this chapter, including provisions for nontraditional or distance education programs and delivery.

(3) The commission shall recognize an institution based on the institution's highest educational offering and shall adopt rules for licensure that include reporting requirements for each level of licensure.

(4) Approved-applicant status shall be extended to all institutions that have submitted a complete application, as

defined in rule, for provisional licensure and paid all attendant fees. In granting approved-applicant status, the commission shall provide to commission staff and the institution a list of specific omissions or deficiencies. Institutions granted approved-applicant status may not advertise, offer programs of study, collect tuition or fees, or engage in any other activities not specifically approved by the commission. If the commission, or the commission staff if specifically directed by the commission, determines that the omissions or deficiencies have been provided for or corrected, the institution may be awarded a provisional license.

(5) Provisional licensure shall be granted to an applicant for initial licensure for a period not to exceed 1 year when the commission determines that the applicant is in substantial compliance with the standards for licensure. A provisional license granted for initial licensure may be extended for up to 1 additional year. A licensed institution that has undergone a substantive change, as defined by rule, must be granted a provisional license for a period of time determined by the commission, after which period the institution may apply for a different status. A provisional license may include conditions required by the commission, and all conditions must be met before the institution may receive a different licensure status.

(6) An annual license shall be granted to an institution holding a provisional license, or seeking a renewal of an annual license, upon demonstrating full compliance with licensure standards. An annual license may be extended for up to 1 year if the institution meets the requirements set by rule for such an extension.

(7) An institution may not conduct a program unless

specific authority is granted in its license.

(8) A license granted by the commission is not transferable to another institution or to another agent, and an institution's license does not transfer when the institution's ownership changes.

(a) A licensed institution must notify the commission prior to a change of ownership or control. The commission shall adopt procedures for interim executive approval of a change of ownership or control if the next scheduled meeting of the commission occurs after the scheduled date of the change of ownership or control.

(b) The commission may adopt rules governing changes of ownership or control.

(9) An independent postsecondary educational institution or any person acting on behalf of such an institution may not publish any advertisement soliciting students or offering a credential before the institution is duly licensed by the commission or while the institution is under an injunction against operating, soliciting students, or offering an educational credential.

(10) The commission shall establish minimum standards for the approval of agents. The commission may adopt rules to ensure that licensed agents meet these standards and uphold the intent of this chapter. An agent may not solicit prospective students in this state for enrollment in any independent postsecondary educational institution under the commission's purview or in any out-of-state independent postsecondary educational institution unless the agent has received a license as prescribed by the commission.

(11) A student of a foreign medical school may not engage in a clinical clerkship in this state unless the

foreign medical school has received a license, in the case of a core clerkship or an ongoing regular program of clerkships, or has received individual approval, in the case of an occasional elective clerkship. The commission may adopt rules to administer this subsection.

(12) The granting of a license is not an accreditation.

(13) As a condition of licensure, an independent college or university must provide the commission with a copy of its antihazing policy.

Section 255. Section 1005.32, Florida Statutes, is created to read:

1005.32 Licensure by means of accreditation.--

(1) An independent postsecondary educational institution that meets the following criteria may apply for a license by means of accreditation from the commission:

(a) The institution has operated legally in this state for at least 5 consecutive years.

(b) The institution holds institutional accreditation by an accrediting agency evaluated and approved by the commission as having standards substantially equivalent to the commission's licensure standards.

(c) The institution has no unresolved complaints or actions in the past 12 months.

(d) The institution meets minimum requirements for financial responsibility as determined by the commission.

(e) The institution is a Florida corporation.

(2) An institution that was exempt from licensure in 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain an exemption until the commission issues it a license by means of accreditation as provided in this section.

(3) The commission may not require an institution granted a license by means of accreditation to submit reports that differ from the reports required by its accrediting association, except that each institution must file with the commission an annual audit report and follow the commission's requirements for orderly closing, including provisions for trainout or refunds and arranging for the proper disposition of student and institutional records.

(4) An institution granted a license by means of accreditation must apply for and receive another level of licensure before the institution may offer courses or programs that exceed the scope or level of its accreditation.

(5) Institutions granted a license by means of accreditation must comply with the standards of fair consumer practices as established in rule by the commission.

(6) A license by means of accreditation is valid for the same period as the qualifying grant of accreditation.

(7) A license by means of accreditation may be denied, placed on probation, or revoked for repeated failure to comply with the requirements of this section. The commission shall adopt rules for these actions. Revocation or denial of a license by means of accreditation requires that the institution immediately obtain an annual license.

Section 256. Section 1005.33, Florida Statutes, is created to read:

1005.33 License period and renewal.--

(1) As required by rule, the commission shall periodically review each license to determine if the institution is in compliance with this chapter and should have its license renewed. The commission may extend an annual or provisional license if a good-faith effort has been made by

the institution and agent. The commission shall determine what constitutes compliance or a good-faith effort and may adopt rules to administer this section.

(2) A licensed independent postsecondary educational institution that seeks to expand or modify its programs or degrees to be conferred or to add new locations must seek prior approval from the commission. The commission shall adopt rules for the approval of modified or additional programs, degrees, and locations.

(3) On the effective date of this act, an institution that, in 2002, held the status of "Permission to Operate" under s. 246.093, Florida Statutes 2001, has 90 days to seek and obtain licensure from the commission. Ninety days after this act takes effect, that status no longer authorizes an institution to operate in Florida.

Section 257. Section 1005.34, Florida Statutes, is created to read:

1005.34 Fair consumer practices; condition of operation.--The commission shall adopt rules to ensure the protection of students, including rules establishing fair consumer practices pursuant to s. 1005.04.

(1) The commission may not grant or renew a license unless the institution seeking the action provides the commission with a sworn statement of compliance with rules regarding fair consumer practices.

(2) The commission may examine any complaint against an institution under its jurisdiction and, if the institution is found to be routinely handling these matters correctly, the complaint shall be considered closed. Complaints under this subsection against accredited institutions, if not resolved, shall be forwarded to the accrediting agency for any

appropriate action. The institution shall notify the commission of any and all actions taken by the accrediting agency in response to the complaint.

(3) Failure to comply with this section is cause for denial or revocation of a license.

Section 258. Section 1005.35, Florida Statutes, is created to read:

1005.35 Fees.--

(1) The Commission for Independent Education shall annually establish a fee schedule to generate, from fees, the amount of revenue appropriated for its operation.

(2) The commission shall include, as a part of its legislative budget request, a proposed fee schedule to generate the appropriated fee revenue required in the General Appropriations Act. The commission may adjust the fee amounts to generate the fee revenue required in the General Appropriations Act but may not add fee categories without the Legislature's approval. The fee schedule proposed in the legislative budget request takes effect unless the Legislature requires changes.

(3) The commission shall charge each licensed institution a base fee to cover the cost of routine services, such as data collection and dissemination. The base fee may be higher for institutions with a large enrollment but may not exceed one-half of 1 percent of the amount appropriated for the commission.

(4) The commission shall assess workload fees to institutions for specific services that relate to:

(a) Licensure.

(b) Annual reviews.

(c) Special reviews.

1 (d) Site visits.
2 (e) Resolution of complaints.
3 (f) Approval to use the term "college" or
4 "university."
5 (g) Participation in the Student Protection Fund
6 established pursuant to s. 1005.37.
7 (h) Other workload activities as allowed by law.
8 (5) The commission may assess late fees for an
9 institution's failure to timely submit required materials.
10 (6) All fees shall be submitted through the Department
11 of Education to the Chief Financial Officer, to be deposited
12 in the Institutional Assessment Trust Fund.
13 (7) All fees authorized in this section are
14 administrative fees and are not refundable unless paid in
15 error. The commission may deduct from an institution's future
16 fee collection any unintentional overpayment.
17 Section 259. Section 1005.36, Florida Statutes, is
18 created to read:
19 1005.36 Institutional closings.--
20 (1) The Legislature intends to protect students and
21 the independent sector of postsecondary education from the
22 detriment caused by licensed institutions that cease operation
23 without providing for the proper completion of student
24 training or for the appropriate refund of student fees. To
25 serve this intention, the Commission for Independent Education
26 may prevent the operation in this state of a licensed
27 independent postsecondary educational institution by an owner
28 who has unlawfully closed another institution and the
29 commission may exercise control over student records upon
30 closure of a licensed institution if the institution does not
31 provide an orderly closure.

(2) At least 30 days prior to closing an institution, its owners, directors, or administrators shall notify the commission in writing of the closure of the institution. The owners, directors, and administrators must organize an orderly closure of the institution, which means at least providing for the completion of training of its students. The commission must approve any such plan. An owner, director, or administrator who fails to notify the commission at least 30 days prior to the institution's closure, or who fails to organize the orderly closure of the institution and the trainout of the students, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If the commission finds that an institution has ceased operating without providing for the proper access to student records, the commission may require the institution to convey all student records to the commission office or to another location designated by the commission or its staff. The commission shall make copies of records available to bankruptcy trustees upon request and to the student or those designated by the student. Confidentiality of the records shall be maintained to the extent required by law. The commission may seek civil penalties not to exceed $10,000 from any owner, director, or administrator of an institution who knowingly destroys, abandons, or fails to convey or provide for the safekeeping of institutional and student records. The commission may use moneys in the Student Protection Fund to facilitate the retrieval or safekeeping of records from an institution that has closed.

(4) The commission may refer matters it deems appropriate to the Department of Legal Affairs or the state attorney for investigation and prosecution.

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1 Section 260. Section 1005.37, Florida Statutes, is
2 created to read:
3 1005.37 Student Protection Fund.--
4 (1) The commission shall establish and administer a
5 statewide, fee-supported financial program through which funds
6 will be available to complete the training of a student who
7 enrolls in a nonpublic school that terminates a program or
8 ceases operation before the student has completed his or her
9 program of study. The financial program is named the Student
10 Protection Fund.
11 (2) The commission is authorized to assess a fee from
12 the schools within its jurisdiction for such purpose. The
13 commission shall assess a licensed school an additional fee
14 for its eligibility for the Student Protection Fund.
15 (3) If a licensed school terminates a program before
16 all students complete it, the commission shall also assess
17 that school a fee adequate to pay the full cost to the Student
18 Protection Fund of completing the training of students.
19 (4) The fund shall consist entirely of fees assessed
20 to licensed schools and shall not be funded under any
21 circumstances by public funds, nor shall the commission make
22 payments or be obligated to make payments in excess of the
23 assessments actually received from licensed schools and
24 deposited in the Institutional Assessment Trust Fund to the
25 credit of the Student Protection Fund.
26 (5) At each commission meeting, the commission shall
27 consider the need for and shall make required assessments,
28 shall review the collection status of unpaid assessments and
29 take all necessary steps to collect them, and shall review all
30 moneys in the fund and expenses incurred since the last
31 reporting period. This review must include administrative

1 expenses, moneys received, and payments made to students or to
2 lending institutions.
3 (6) Staff of the commission must immediately inform
4 the commission upon learning of the closing of a licensed
5 school or the termination of a program that could expose the
6 fund to liability.
7 (7) The Student Protection Fund must be actuarially
8 sound, periodically audited by the Auditor General in
9 connection with his or her audit of the Department of
10 Education, and reviewed to determine if additional fees must
11 be charged to schools eligible to participate in the fund.
12 Section 261. Section 1005.38, Florida Statutes, is
13 created to read:
14 1005.38 Actions against a licensee and other
15 penalties.--
16 (1) The commission may deny, place on probation, or
17 revoke any provisional license, annual license, licence by
18 means of accreditation, agent's license, or other
19 authorization required by this chapter. The commission shall
20 adopt rules for taking these actions. The commission may
21 impose an administrative fine of not more than $5,000 if an
22 institution is on probation for a period under conditions that
23 require oversight by the commission or its staff. The fine
24 shall be deposited into the Institutional Assessment Trust
25 Fund.
26 (2) The commission may conduct an investigation to
27 determine if an applicant for a new institutional license, or
28 the owners, directors, or administrators of the institution,
29 previously closed an institution, failed to arrange for
30 completion of student training or issue appropriate refunds,
31 or had its license to operate an institution revoked or denied

in this state or in another state or jurisdiction.

(3) Any person who has been convicted of, or entered a plea of guilty or nolo contendere to, a crime that relates to the unlawful operation or management of an institution is ineligible to own, operate, manage, or be a registered agent for a licensed institution in this state, and may not be a director or an officer in a corporation that owns or operates a licensed institution. Such a person may not operate or serve in a management or supervisory position in a licensed institution.

(4) The commission may deny an application for any operating status if the commission determines that the applicant or its owners, officers, directors, or administrators were previously operating an institution in this state or in another state or jurisdiction in a manner contrary to the health, education, or welfare of the public. The commission may consider factors such as the previous denial or revocation of an institutional license; prior criminal or civil administrative proceedings regarding the operation and management of an institution; other types of criminal proceedings involving fraud, deceit, dishonesty, or moral turpitude; failure of the institution to be properly closed, including completing the training or providing for the trainout of its students; and failure to issue appropriate refunds. The commission may require an applicant or its owners, officers, directors, or administrators to provide the commission with information under oath regarding the prior operation of an institution and to provide criminal justice information, the cost of which must be borne by the applicant in addition to license fees.

(5) The commission may obtain an injunction or take

any action it deems necessary against any institution or agent in violation of this chapter, but such proceedings and orders do not bar the imposition of any other penalties that may be imposed for the violation.

(6) The commission may conduct disciplinary proceedings through an investigation of any suspected violation of this chapter, including a finding of probable cause and making reports to any law enforcement agency or regulatory agency.

(a) The commission shall notify an institution or individual of the substance of any complaint that is under investigation unless the executive director and chairperson of the board concur that notification would impede the investigation. The commission may also withhold notification to a person under investigation for an act that constitutes a criminal offense.

(b) The determination of probable cause shall be made by a majority vote of the probable-cause panel, the membership of which shall be provided by rule. After the panel declares a finding of probable cause, the commission may issue an administrative complaint and prosecute such complaint under chapter 120.

(c) A privilege against civil liability is granted to any informant or any witness who provides information in good faith for an investigation or proceeding conducted under this section.

(7) The commission may issue a cease and desist order in conjunction with an administrative complaint or notice of denial of licensure, if necessary to protect the health, safety, or welfare of students, prospective students, or the public. An unlicensed institution that advertises or causes

advertisements to be made public through which students are solicited for enrollment or are offered diplomas or degrees is in violation of this chapter. The commission shall adopt rules that direct the issuance of an injunction against operating, advertising, or offering diplomas or degrees without a license. Each day of operation after a cease and desist letter is delivered constitutes a separate violation for purposes of assessing fines or seeking civil penalties.

(a) A cease and desist order may be mandatory or prohibitory in form and may order a postsecondary institution to cease and desist from specified conduct or from failing to engage in specified conduct necessary to achieve the regulatory purposes of this chapter.

(b) A cease and desist order may include an order to cease enrollment of students whom the institution cannot adequately serve, to modify curricula or methods of instruction to ensure the education or training of the type and quality represented in the institutional catalog, or to cease from advertising or to publish or broadcast corrective or clarifying advertising to overcome the effects of previous allegedly deceptive or misleading advertising.

(c) A cease and desist order takes effect immediately upon issuance and remains in effect until the commission takes final agency action.

(d) The commission shall adopt rules to direct procedures by which an affected party is entitled to a formal or informal review of a cease and desist order and may request the commission or the Division of Administrative Hearings to modify or abate a cease and desist order. If a party is aggrieved by a cease and desist order after seeking to have the order abated or modified, the party may seek interlocutory

judicial review by the appropriate district court of appeal pursuant to the applicable rules of appellate procedure.

(e) In addition to or in lieu of any remedy provided in this section, the commission may seek the imposition of a civil penalty through the circuit court for any violation for which the commission may issue a notice to cease and desist under this section.

(8) The commission shall adopt rules to identify grounds for imposing disciplinary actions, which must include at least the following grounds:

(a) Attempting to obtain action from the commission by fraudulent misrepresentation, bribery, or through an error of the commission.

(b) Action against a license or operation imposed under the authority of another state, territory, or country.

(c) Delegating professional responsibilities to a person who is not qualified by training, experience, or licensure to perform the responsibilities.

(d) False, deceptive, or misleading advertising.

(e) Conspiring to coerce, intimidate, or preclude another licensee from lawfully advertising his or her services.

Section 262. Section 1005.39, Florida Statutes, is created to read:

1005.39 Continuing education and training for administrators and faculty.--

(1) The commission is authorized to ensure that the administrators of licensed institutions are qualified to conduct the operations of their respective positions and to require such administrators and faculty to receive continuing education and training as adopted by rule of the commission.

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The positions for which the commission may review qualifications and require continuing education and training may include the positions of chief administrator or officer, director of education or training, placement director, admissions director, and financial aid director and faculty members.

(2) The training of each administrator and faculty member shall be the type of training necessary to assure compliance with statutes and rules of the commission and the State Board of Education and with those of other state or federal agencies in relation to the responsibilities of the respective positions.

(3) The commission shall adopt general qualifications for each of the respective positions and establish guidelines for the minimum amount and type of continuing education and training to be required. The continuing education and training may be provided by the commission, appropriate state or federal agencies, or professional organizations familiar with the requirements of the particular administrative positions. The actual curricula should be left to the discretion of those agencies and organizations.

(4) Evidence of the administrator's and faculty member's compliance with the continuing education and training requirements established by the commission may be included in the initial and renewal application forms provided by the commission. Actual records of the continuing education and training received by administrators and faculty shall be maintained at the institution and available for inspection at all times.

(5) Qualifications of administrators and faculty in their respective fields, as well as continuing education and

training, may be established by the commission as a condition of an application for licensure by a new institution or for renewal of a license.

Section 263. Chapter 1006, Florida Statutes, shall be entitled "Support for Learning" and shall consist of ss. 1006.02-1006.71.

Section 264. Part I of chapter 1006, Florida Statutes, shall be entitled "Public K-12 Education Support for Learning and Student Services" and shall consist of ss. 1006.02-1006.27.

Section 265. Part I.a. of chapter 1006, Florida Statutes, shall be entitled "Learning Services Generally" and shall consist of ss. 1006.02-1006.04.

Section 266. Section 1006.02, Florida Statutes, is created to read:

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

(1) All public K-12 schools shall document the manner in which they have prepared students to enter the workforce, including information regarding the provision of accurate, timely career and curricular counseling to students. This information shall include a delineation of available career opportunities, educational requirements associated with each career, educational institutions that prepare students to enter each career, and student financial aid available to enable students to pursue any postsecondary instruction required to enter that career. This information shall also delineate school procedures for identifying individual student interests and aptitudes which enable students to make informed decisions about the curriculum that best addresses their individual interests and aptitudes while preparing them to

enroll in postsecondary education and enter the workforce. This information shall include recommended high school coursework that prepares students for success in college-level work. The information shall be made known to parents and students annually through inclusion in the school's handbook, manual, or similar documents or other communications regularly provided to parents and students.

(2) The information required by this section shall delineate the availability of applied instruction that uses concrete, real-world examples to elicit demonstrated student competence comparable to the student performance standards delineated for corresponding traditional college-preparatory courses, and shall also delineate the support services available for students who need assistance to successfully complete instruction necessary to enroll in postsecondary education or enter the workforce.

(3) The information required by this section shall delineate the availability of instruction that enables students to acquire the technical skills associated with specific clusters of occupations as well as employability skills that apply to most occupations, and shall describe and identify the availability of workplace-based learning experiences. Any school that conducts secondary career education programs shall identify any agreements through which each program articulates into corresponding postsecondary programs.

(4) Prior to each student's graduation from high school, the school shall assess the student's preparation to enter the workforce, in accordance with the commissioner's identification of the employability skills associated with successful entry into the workforce, and shall provide the

student and the student's parent or guardian with the results of this assessment.

Section 267. Section 1006.03, Florida Statutes, is created to read:

1006.03 Diagnostic and learning resource centers.--

(1) The department shall maintain regional diagnostic and learning resource centers for exceptional students, to assist in the provision of medical, physiological, psychological, and educational testing and other services designed to evaluate and diagnose exceptionalities, to make referrals for necessary instruction and services, and to facilitate the provision of instruction and services to exceptional students. The department shall cooperate with the Department of Children and Family Services in identifying service needs and areas.

(2) Within its identified service area, each regional center shall:

(a) Provide assistance to parents, teachers, and other school personnel and community organizations in locating and identifying exceptional children and planning educational programs for them.

(b) Assist in the provision of services for exceptional children, using to the maximum, but not supplanting, the existing facilities and services of each district.

(c) Provide orientation meetings at least annually for teachers, principals, supervisors, and community agencies to familiarize them with center facilities and services for exceptional children.

(d) Plan, coordinate, and assist in the implementation of inservice training programs, consistent with each

district's program of staff development, for the development and updating of attitudes, skills, and instructional practices and procedures necessary to the education of exceptional children.

(e) Assist districts in the identification, selection, acquisition, use, and evaluation of media and materials appropriate to the implementation of instructional programs based on individual educational plans for exceptional children.

(f) Provide for the dissemination and diffusion of significant information and promising practices derived from educational research, demonstration, and other projects.

(g) Assist in the delivery, modification, and integration of instructional technology, including microcomputer applications and adaptive and assistive devices, appropriate to the unique needs of exceptional students.

(3) Diagnostic and resource centers may provide testing and evaluation services to private school students and other children who are not enrolled in public schools.

(4) Diagnostic and learning resource centers may assist districts in providing testing and evaluation services for infants and preschool children with or at risk of developing disabilities, and may assist districts in providing interdisciplinary training and resources to parents of infants and preschool children with or at risk of developing disabilities and to school readiness programs.

Section 268. Section 1006.035, Florida Statutes, is created to read:

1006.035 Dropout reentry and mentor project.--

(1) There is created a dropout reentry and mentor project to be coordinated on a pilot basis by the Florida

Agricultural and Mechanical University National Alumni Association and implemented in Tallahassee, Jacksonville, Daytona Beach, and Miami.

(2) The project shall identify 15 black students in each location who have dropped out of high school but were not encountering academic difficulty when they left school. Students chosen to participate may not have a high school diploma, be enrolled in an adult general education program which includes a GED program or an adult high school, or be enrolled in a technical school. Students may be employed but must be able to adjust their work schedules to accommodate classes and project sessions. Priority must be given to students who have dropped out of school within the last 3 years.

(3) In identifying participants, the following factors must be considered:

(a) The student's performance in school before dropping out.

(b) The student's performance on aptitude and achievement tests.

(c) The student's desire to reenter school.

(4) In each of the four locations, the project shall identify 15 high-achieving minority students to serve as one-on-one mentors to the students who are being reentered in school. An alumnus of Bethune-Cookman College, Florida Memorial College, Edward Waters College, or Florida Agricultural and Mechanical University shall be assigned to each pair of students. Student mentors and alumni must serve as role models and resource people for the students who are being reentered in school.

(5) Selected project participants shall be evaluated

and enrolled in a GED program, regular high school, technical school, or alternative school. In conjunction with school guidance personnel, project staff shall design a supplemental program to reinforce basic skills, provide additional counseling, and offer tutorial assistance. Weekly, project staff shall monitor students' attendance, performance, homework, and attitude toward school.

(6) The project shall use tests to identify students' interests and academic weaknesses. Based on the test results, an individualized study program shall be developed for each reentry student.

(7) The 15 alumni at each location must meet with their assigned reentry students and high achievers, together, at least once per week. All reentry students must meet as a group at least once per week for structured, organized activities that include instruction in test-taking skills, positive attitude, coping, study habits, budgeting time, setting goals, career choices, homework assistance, and conflict resolution.

(8) Followup interviews with both the reentry students and high achievers must be conducted after 1 year to determine the project's impact.

Section 269. Section 1006.04, Florida Statutes, is created to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.--

(1)(a) An intensive, integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education

skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance. District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, forming a multiagency network to provide support for students with severe emotional disturbance.

(b) The program goals for each component of the multiagency network are to enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; to develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services; to provide programs and services as close as possible to the student's home in the least restrictive manner consistent with the student's needs; and to integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(2) The department may award grants to district school boards for statewide planning and development of the multiagency network for students with severe emotional disturbance. The educational services shall be provided in a manner consistent with the requirements of ss. 1003.57 and 402.22.

(3) State departments and agencies may use appropriate funds for the multiagency network for students with severe emotional disturbance.

Section 270. Part I.b. of chapter 1006, Florida

Statutes, shall be entitled "Student Food and Health Services" and shall consist of ss. 1006.06-1006.063.

Section 271. Section 1006.06, Florida Statutes, is created to read:

1006.06 School food service programs.--

(1) In recognition of the demonstrated relationship between good nutrition and the capacity of students to develop and learn, it is the policy of the state to provide standards for school food service and to require district school boards to establish and maintain an appropriate private school food service program consistent with the nutritional needs of students.

(2) The State Board of Education shall adopt rules covering the administration and operation of the school food service programs.

(3) Each district school board shall consider the recommendations of the district school superintendent and adopt policies to provide for an appropriate food and nutrition program for students consistent with federal law and State Board of Education rule.

(4) The state shall provide the state National School Lunch Act matching requirements. The funds provided shall be distributed in such a manner as to comply with the requirements of the National School Lunch Act.

(5)(a) Each district school board shall implement school breakfast programs in all elementary schools that make breakfast available to all students in kindergarten through grade 6 in each district school, unless the elementary school goes only through grade 5, in which case the requirement shall apply only through grade 5. Each district school board shall implement breakfast programs in all elementary schools in

which students are eligible for free and reduced price lunch meals, to the extent specifically funded in the General Appropriations Act. A district school board may operate a breakfast program providing for food preparation at the school site or in central locations with distribution to designated satellite schools or any combination thereof.

(b) The commissioner shall make every reasonable effort to ensure that any school designated a "severe need school" receives the highest rate of reimbursement to which it is entitled pursuant to 42 U.S.C. s. 1773 for each free and reduced price breakfast served.

(c) The department shall calculate and distribute a school district breakfast supplement for each school year by multiplying the state breakfast rate as specified in the General Appropriations Act by the number of free and reduced price breakfast meals served.

(d) The Legislature shall provide sufficient funds in the General Appropriations Act to reimburse participating school districts for the difference between the average federal reimbursement for free and reduced price breakfasts and the average statewide cost for breakfasts.

Section 272. Section 1006.0605, Florida Statutes, is created to read:

1006.0605 Students' summer nutrition.--

(1) Each district school superintendent shall report to the department any activity or initiative that provides access to a food service program during school vacation periods of over 2 weeks to students who are eligible for free or reduced-price meals. The report shall include any developed or implemented plans for how the school district will sponsor, host, or vend the federal Summer Food Service

1 Program.
2 (2) The district school superintendent shall submit
3 the report to the department by February 1, 2004. Prior to
4 submitting the report to the department, the district school
5 superintendent shall report this information to the district
6 school board.
7 (3) By March 1, 2004, the department shall submit to
8 the President of the Senate, the Speaker of the House of
9 Representatives, the chairs of the education committees in the
10 Senate and the House of Representatives, and the State Board
11 of Education a report compiling the school district
12 information.
13 Section 273. Section 1006.061, Florida Statutes, is
14 created to read:
15 1006.061 Child abuse, abandonment, and neglect
16 policy.--Each district school board shall:
17 (1) Post in a prominent place in each school a notice
18 that, pursuant to chapter 39, all employees and agents of the
19 district school board have an affirmative duty to report all
20 actual or suspected cases of child abuse, abandonment, or
21 neglect; have immunity from liability if they report such
22 cases in good faith; and have a duty to comply with child
23 protective investigations and all other provisions of law
24 relating to child abuse, abandonment, and neglect. The notice
25 shall also include the statewide toll-free telephone number of
26 the central abuse hotline.
27 (2) Require the district school superintendent, or the
28 superintendent's designee, at the request of the Department of
29 Children and Family Services, to act as a liaison to the
30 Department of Children and Family Services and the child
31 protection team, as defined in s. 39.01, when in a case of

suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Family Services from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

Section 274. Section 1006.062, Florida Statutes, is created to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.--

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, district school board personnel may assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459, to the school personnel designated by the school principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this subsection.

(b) Each district school board shall adopt policies and procedures governing the administration of prescription medication by district school board personnel. The policies

and procedures shall include, but not be limited to, the following provisions:

1. For each prescribed medication, the student's parent shall provide to the school principal a written statement which grants to the school principal or the principal's designee permission to assist in the administration of such medication and which explains the necessity for the medication to be provided during the school day, including any occasion when the student is away from school property on official school business. The school principal or the principal's trained designee shall assist the student in the administration of the medication.

2. Each prescribed medication to be administered by district school board personnel shall be received, counted, and stored in its original container. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the school principal.

(2) There shall be no liability for civil damages as a result of the administration of the medication when the person administering the medication acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances.

(3) Nonmedical district school board personnel shall not be allowed to perform invasive medical services that require special medical knowledge, nursing judgment, and nursing assessment, including, but not limited to:

(a) Sterile catheterization.

(b) Nasogastric tube feeding.

(c) Cleaning and maintaining a tracheostomy and deep suctioning of a tracheostomy.

(4) Nonmedical assistive personnel shall be allowed to perform health-related services upon successful completion of child-specific training by a registered nurse or advanced registered nurse practitioner licensed under chapter 464, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459. All procedures shall be monitored periodically by a nurse, advanced registered nurse practitioner, physician assistant, or physician, including, but not limited to:

(a) Intermittent clean catheterization.

(b) Gastrostomy tube feeding.

(c) Monitoring blood glucose.

(d) Administering emergency injectable medication.

(5) For all other invasive medical services not listed in this subsection, a registered nurse or advanced registered nurse practitioner licensed under chapter 464, a physician licensed pursuant to chapter 458 or chapter 459, or a physician assistant licensed pursuant to chapter 458 or chapter 459 shall determine if nonmedical district school board personnel shall be allowed to perform such service.

(6) Each district school board shall establish emergency procedures in accordance with s. 381.0056(5) for life-threatening emergencies.

(7) District school board personnel shall not refer students to or offer students at school facilities contraceptive services without the consent of a parent or legal guardian. To the extent that this paragraph conflicts with any provision of chapter 381, the provisions of chapter 381 control.

Section 275. Section 1006.063, Florida Statutes, is created to read:

1006.063 Eye-protective devices required in certain laboratory courses.--

(1) Eye-protective devices shall be worn by students, teachers, and visitors in courses including, but not limited to, chemistry, physics, or chemical-physical laboratories, at any time at which the individual is engaged in or observing an activity or the use of hazardous substances likely to cause injury to the eyes. Activity or the use of hazardous substances likely to cause injury to the eye includes:

(a) Heat treatment; tempering or kiln firing of any metal or other materials;

(b) Working with caustic or explosive materials; or

(c) Working with hot liquids or solids, including chemicals which are flammable, caustic, toxic, or irritating.

(2) District school boards shall furnish plano safety glasses or devices for students, may provide such glasses to teachers, and shall furnish such equipment for all visitors to such classrooms or laboratories, or may purchase such plano safety glasses or devices in large quantities and sell them at cost to students and teachers, but shall not purchase, furnish, or dispense prescription glasses or lenses.

Section 276. Part I.c. of chapter 1006, Florida Statutes, shall be entitled "Student Discipline and School Safety" and shall consist of ss. 1006.07-1006.145.

Section 277. Section 1006.07, Florida Statutes, is created to read:

1006.07 District school board duties relating to student discipline and school safety.--The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other

matters relating to the welfare of students, including:

(1) CONTROL OF STUDENTS.--

(a) Adopt rules for the control, discipline, in-school suspension, suspension, and expulsion of students and decide all cases recommended for expulsion. Suspension hearings are exempted from the provisions of chapter 120. Expulsion hearings shall be governed by ss. 120.569 and 120.57(2) and are exempt from s. 286.011. However, the student's parent must be given notice of the provisions of s. 286.011 and may elect to have the hearing held in compliance with that section. The district school board may prohibit the use of corporal punishment, if the district school board adopts or has adopted a written program of alternative control or discipline.

(b) Require each student at the time of initial registration for school in the school district to note previous school expulsions, arrests resulting in a charge, and juvenile justice actions the student has had, and have the authority as the district school board of a receiving school district to honor the final order of expulsion or dismissal of a student by any in-state or out-of-state public district school board or private school, or lab school, for an act which would have been grounds for expulsion according to the receiving district school board's code of student conduct, in accordance with the following procedures:

1. A final order of expulsion shall be recorded in the records of the receiving school district.

2. The expelled student applying for admission to the receiving school district shall be advised of the final order of expulsion.

3. The district school superintendent of the receiving school district may recommend to the district school board

that the final order of expulsion be waived and the student be admitted to the school district, or that the final order of expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program at the direction of the district school board.

(2) CODE OF STUDENT CONDUCT.--Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(a) Consistent policies and specific grounds for disciplinary action, including in-school suspension, out-of-school suspension, expulsion, and any disciplinary action that may be imposed for the possession or use of alcohol on school property or while attending a school function or for the illegal use, sale, or possession of controlled substances as defined in chapter 893.

(b) Procedures to be followed for acts requiring discipline, including corporal punishment.

(c) An explanation of the responsibilities and rights of students with regard to attendance, respect for persons and property, knowledge and observation of rules of conduct, the right to learn, free speech and student publications, assembly, privacy, and participation in school programs and activities.

(d) Notice that illegal use, possession, or sale of controlled substances, as defined in chapter 893, or possession of electronic telephone pagers, by any student while the student is upon school property or in attendance at a school function is grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(e) Notice that the possession of a firearm or weapon ad defined in chapter 790 by any student while the student is on school property or in attendance at a school function is grounds for disciplinary action and may also result in criminal prosecution.

(f) Notice that violence against any district school board personnel by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(g) Notice that violation of district school board transportation policies, including disruptive behavior on a school bus or at a school bus stop, by a student is grounds for suspension of the student's privilege of riding on a school bus and may be grounds for disciplinary action by the school and may also result in criminal penalties being imposed.

(h) Notice that violation of the district school

board's sexual harassment policy by a student is grounds for in-school suspension, out-of-school suspension, expulsion, or imposition of other disciplinary action by the school and may also result in criminal penalties being imposed.

(i) Policies to be followed for the assignment of violent or disruptive students to an alternative educational program.

(j) Notice that any student who is determined to have brought a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation, or to have possessed a firearm at school, will be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year and referred to the criminal justice or juvenile justice system; provided, however, that nothing herein shall require the district school board to apply such requirements to a firearm or weapon that is lawfully stored in a locked vehicle on school property, or for activities approved and authorized by the district school board when the board has adopted appropriate safeguards to ensure student safety. District school boards may assign the student to a disciplinary program or second chance school for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.

(k) Notice that any student who is determined to have

1 made a threat or false report, as defined by ss. 790.162 and
2 790.163, respectively, involving school or school personnel's
3 property, school transportation, or a school-sponsored
4 activity will be expelled, with or without continuing
5 educational services, from the student's regular school for a
6 period of not less than 1 full year and referred for criminal
7 prosecution. District school boards may assign the student to
8 a disciplinary program or second chance school for the purpose
9 of continuing educational services during the period of
10 expulsion. District school superintendents may consider the
11 1-year expulsion requirement on a case-by-case basis and
12 request the district school board to modify the requirement by
13 assigning the student to a disciplinary program or second
14 chance school if it is determined to be in the best interest
15 of the student and the school system.
16 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the
17 district school board, implement a student crime watch program
18 to promote responsibility among students and to assist in the
19 control of criminal behavior within the schools.
20 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--
21 (a) Formulate and prescribe policies and procedures
22 for emergency drills and for actual emergencies, including,
23 but not limited to, fires, natural disasters, and bomb
24 threats, for all the public schools of the district which
25 comprise grades K-12. District school board policies shall
26 include commonly used alarm system responses for specific
27 types of emergencies and verification by each school that
28 drills have been provided as required by law and fire
29 protection codes.
30 (b) The district school board shall establish model
31 emergency management and emergency preparedness procedures for

the following life-threatening emergencies:

1. Weapon-use and hostage situations.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(5) EDUCATIONAL SERVICES IN DETENTION FACILITIES.--Offer educational services to minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23. These educational services shall be based upon the estimated length of time the student will be in the facility and the student's current level of functioning. District school superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a student under the age of 21 to the facility. A cooperative agreement with the district school board and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these students.

(6) SAFETY AND SECURITY BEST PRACTICES.--Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices. Based on these self-assessment findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and

security. Annually each district school board must receive the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings. Each district school superintendent shall report the self-assessment results and school board action to the commissioner within 30 days after the district school board meeting.

Section 278. Section 1006.08, Florida Statutes, is created to read:

1006.08 District school superintendent duties relating to student discipline and school safety.--

(1) The district school superintendent shall recommend plans to the district school board for the proper accounting for all students of school age, for the attendance and control of students at school, for the proper attention to health, safety, and other matters which will best promote the welfare of students. When the district school superintendent makes a recommendation for expulsion to the district school board, he or she shall give written notice to the student and the student's parent of the recommendation, setting forth the charges against the student and advising the student and his or her parent of the student's right to due process as prescribed by ss. 120.569 and 120.57(2). When district school board action on a recommendation for the expulsion of a student is pending, the district school superintendent may extend the suspension assigned by the principal beyond 10 school days if such suspension period expires before the next regular or special meeting of the district school board.

(2) Notwithstanding the provisions of s. 985.04(4) or any other provision of law to the contrary, the court shall,

1 within 48 hours of the finding, notify the appropriate
2 district school superintendent of the name and address of any
3 student found to have committed a delinquent act, or who has
4 had adjudication of a delinquent act withheld which, if
5 committed by an adult, would be a felony, or the name and
6 address of any student found guilty of a felony. Notification
7 shall include the specific delinquent act found to have been
8 committed or for which adjudication was withheld, or the
9 specific felony for which the student was found guilty.
10 (3) Except to the extent necessary to protect the
11 health, safety, and welfare of other students, the information
12 obtained by the district school superintendent pursuant to
13 this section may be released only to appropriate school
14 personnel or as otherwise provided by law.
15 Section 279. Section 1006.09, Florida Statutes, is
16 created to read:
17 1006.09 Duties of school principal relating to student
18 discipline and school safety.--
19 (1)(a) Subject to law and to the rules of the State
20 Board of Education and the district school board, the
21 principal in charge of the school or the principal's designee
22 shall develop policies for delegating to any teacher or other
23 member of the instructional staff or to any bus driver
24 transporting students of the school responsibility for the
25 control and direction of students. The principal or the
26 principal's designee shall consider the recommendation for
27 discipline made by a teacher, other member of the
28 instructional staff, or a bus driver when making a decision
29 regarding student referral for discipline.
30 (b) The principal or the principal's designee may
31 suspend a student only in accordance with the rules of the

district school board. The principal or the principal's designee shall make a good faith effort to immediately inform a student's parent by telephone of a student's suspension and the reasons for the suspension. Each suspension and the reasons for the suspension shall be reported in writing within 24 hours to the student's parent by United States mail. Each suspension and the reasons for the suspension shall also be reported in writing within 24 hours to the district school superintendent. A good faith effort shall be made by the principal or the principal's designee to employ parental assistance or other alternative measures prior to suspension, except in the case of emergency or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct as defined by rules of the district school board. Such rules shall require oral and written notice to the student of the charges and an explanation of the evidence against him or her prior to the suspension. Each student shall be given an opportunity to present his or her side of the story. No student shall be suspended for unexcused tardiness, lateness, absence, or truancy. The principal or the principal's designee may suspend any student transported to or from school at public expense from the privilege of riding on a school bus for violation of district school board transportation policies, which shall include a policy regarding behavior at school bus stops, and the principal or the principal's designee shall give notice in writing to the student's parent and to the district school superintendent within 24 hours. School personnel shall not be held legally responsible for suspensions of students made in good faith.

(c) The principal or the principal's designee may recommend to the district school superintendent the expulsion

of any student who has committed a serious breach of conduct, including, but not limited to, willful disobedience, open defiance of authority of a member of his or her staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school. A recommendation of expulsion or assignment to a second chance school may also be made for any student found to have intentionally made false accusations that jeopardize the professional reputation, employment, or professional certification of a teacher or other member of the school staff, according to the district school board code of student conduct. Any recommendation of expulsion shall include a detailed report by the principal or the principal's designated representative on the alternative measures taken prior to the recommendation of expulsion.

(d) The principal or the principal's designee shall include an analysis of suspensions and expulsions in the annual report of school progress.

(2) Suspension proceedings, pursuant to rules of the State Board of Education, may be initiated against any enrolled student who is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult, by a proper prosecuting attorney for an incident which allegedly occurred on property other than public school property, if that incident is shown, in an administrative hearing with notice provided to the parents of the student by the principal of the school pursuant to rules adopted by the State Board of Education and to rules developed pursuant to s. 1001.54, to have an adverse impact on the educational program, discipline, or welfare in the school in which the student is enrolled. Any student who is suspended as the result of such

proceedings may be suspended from all classes of instruction on public school grounds during regular classroom hours for a period of time, which may exceed 10 days, as determined by the district school superintendent. The suspension shall not affect the delivery of educational services to the student, and the student shall be immediately enrolled in a daytime alternative education program, or an evening alternative education program, where appropriate. If the court determines that the student did commit the felony or delinquent act which would have been a felony if committed by an adult, the district school board may expel the student, provided that expulsion under this subsection shall not affect the delivery of educational services to the student in any residential, nonresidential, alternative, daytime, or evening program outside of the regular school setting. Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under chapter 893 may be entitled to a waiver of the discipline or expulsion:

(a) If the student divulges information leading to the arrest and conviction of the person who supplied the controlled substance to him or her, or if the student voluntarily discloses his or her unlawful possession of the controlled substance prior to his or her arrest. Any information divulged which leads to arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging the information.

(b) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

(3) A student may be disciplined or expelled for unlawful possession or use of any substance controlled under

chapter 893 upon the third violation of this provision.

(4) When a student has been the victim of a violent crime perpetrated by another student who attends the same school, the school principal shall make full and effective use of the provisions of ss. 1006.09(2) and 1006.13(5). A school principal who fails to comply with this subsection shall be ineligible for any portion of the performance pay policy incentive under s. 1012.22(1)(c). However, if any party responsible for notification fails to properly notify the school, the school principal shall be eligible for the incentive.

(5) Any recommendation for the suspension or expulsion of a student with a disability must be made in accordance with rules adopted by the State Board of Education.

(6) Each school principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the department. The school principal must develop a plan to verify the accuracy of reported incidents.

(7) The State Board of Education shall adopt by rule a standardized form to be used by each school principal to report data concerning school safety and discipline.

(8) The school principal shall require all school personnel to report to the principal or principal's designee any suspected unlawful use, possession, or sale by a student of any controlled substance, as defined in s. 893.02; any counterfeit controlled substance, as defined in s. 831.31; any alcoholic beverage, as defined in s. 561.01(4); or model glue. School personnel are exempt from civil liability when reporting in good faith to the proper school authority such suspected unlawful use, possession, or sale by a student.

Only a principal or principal's designee is authorized to contact a parent or legal guardian of a student regarding this situation. Reports made and verified under this subsection shall be forwarded to an appropriate agency. The principal or principal's designee shall timely notify the student's parent that a verified report made under this subsection with respect to the student has been made and forwarded.

(9) A school principal or a school employee designated by the principal, if she or he has reasonable suspicion that a prohibited or illegally possessed substance or object is contained within a student's locker or other storage area, may search the locker or storage area. The district school board shall require and each school principal shall cause to be posted in each public K-12 school, in a place readily seen by students, a notice stating that a student's locker or other storage area is subject to search, upon reasonable suspicion, for prohibited or illegally possessed substances or objects. This subsection does not prohibit the use of metal detectors or specially trained animals in the course of a search for illegally possessed substances or objects.

Section 280. Section 1006.10, Florida Statutes, is created to read:

1006.10 Authority of school bus drivers and district school boards relating to student discipline and student safety on school buses.--

(1) The school bus driver shall require order and good behavior by all students being transported on school buses.

(2) The district school board shall require a system of progressive discipline of transported students for actions which are prohibited by the code of student conduct. Disciplinary actions, including suspension of students from

1 riding on district school board owned or contracted school
2 buses, shall be subject to district school board policies and
3 procedures and may be imposed by the principal or the
4 principal's designee. The principal or the principal's
5 designee may delegate any disciplinary authority to school bus
6 drivers except for suspension of students from riding the bus.
7 (3) The school bus driver shall control students
8 during the time students are on the school bus, but shall not
9 have such authority when students are waiting at the school
10 bus stop or when students are en route to or from the school
11 bus stop except when the bus is present at the bus stop.
12 (4) If an emergency should develop due to the conduct
13 of students on the bus, the school bus driver may take such
14 steps as are immediately necessary to protect the students on
15 the bus.
16 (5) School bus drivers shall not be required to
17 operate a bus under conditions in which one or more students
18 pose a clear and present danger to the safety of the driver or
19 other students, or the safety of the bus while in operation.
20 The district school board shall have measures in place
21 designed to protect the school bus driver from threats or
22 physical injury from students.
23 (6) District school boards may use transportation,
24 school safety, or FEFP funds to provide added security for
25 buses transporting disruptive or delinquent students to and
26 from school or other educational activities.
27 (7) In the case of a student having engaged in violent
28 or blatantly unsafe actions while riding the school bus, the
29 district school board shall take corrective measures to
30 ensure, to the extent feasible, that such actions are not
31 repeated prior to reassigning the student to the bus.

Amendment No. ___ (for drafter's use only)

Section 281. Section 1006.11, Florida Statutes, is created to read:

1006.11 Standards for use of reasonable force.--

(1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).

(2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1006.09 or s. 1003.32.

Section 282. Section 1006.12, Florida Statutes, is created to read:

1006.12 School resource officers and school safety officers.--

(1) District school boards may establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer

shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)(a) School safety officers shall be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A district school board may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

(c) A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

(d) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

Section 283. Section 1006.13, Florida Statutes, is created to read:

1006.13 Policy of zero tolerance for crime and victimization.--

(1) Each district school board shall adopt a policy of zero tolerance for:

(a) Crime and substance abuse, including the reporting of delinquent acts and crimes occurring whenever and wherever students are under the jurisdiction of the district school board.

(b) Victimization of students, including taking all steps necessary to protect the victim of any violent crime from any further victimization.

(2) The zero tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than 1 full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in chapter 790, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school; provided, however, that nothing herein shall require the district school board to apply such requirements to a firearm or weapon that is lawfully stored in a locked vehicle on school property, or for activities approved and authorized

by the district school board when the board has adopted appropriate safeguards to ensure student safety.

(b) Making a threat or false report, as defined by ss. 790.162 and 790.163, respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.

District school boards may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion. District school superintendents may consider the 1-year expulsion requirement on a case-by-case basis and request the district school board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system. If a student committing any of the offenses in this subsection is a student with a disability, the district school board shall comply with applicable State Board of Education rules.

(3) Each district school board shall enter into agreements with the county sheriff's office and local police department specifying guidelines for ensuring that felonies and violent misdemeanors, whether committed by a student or adult, and delinquent acts that would be felonies or violent misdemeanors if committed by an adult, are reported to law enforcement. Each district school board shall adopt a cooperative agreement, pursuant to s. 1003.52(13) with the Department of Juvenile Justice, that specifies guidelines for ensuring that all no contact orders entered by the court are reported and enforced and that all steps necessary are taken to protect the victim of any such crime. Such agreements shall

include the role of school resource officers, if applicable, in handling reported incidents, special circumstances in which school officials may handle incidents without filing a report to law enforcement, and a procedure for ensuring that school personnel properly report appropriate delinquent acts and crimes. The school principal shall be responsible for ensuring that all school personnel are properly informed as to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

(4) Notwithstanding any other provision of law, each district school board shall adopt rules providing that any student found to have committed a violation of s. 784.081(1), (2), or (3) shall be expelled or placed in an alternative school setting or other program, as appropriate. Upon being charged with the offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

(5)(a) Notwithstanding any provision of law prohibiting the disclosure of the identity of a minor, whenever any student who is attending public school is adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or nolo contendere to, a felony violation of:

1. Chapter 782, relating to homicide;

2. Chapter 784, relating to assault, battery, and culpable negligence;

3. Chapter 787, relating to kidnapping, false imprisonment, luring or enticing a child, and custody offenses;

4. Chapter 794, relating to sexual battery;

5. Chapter 800, relating to lewdness and indecent exposure;

6. Chapter 827, relating to abuse of children;

7. Section 812.13, relating to robbery;

8. Section 812.131, relating to robbery by sudden snatching;

9. Section 812.133, relating to carjacking; or

10. Section 812.135, relating to home-invasion robbery,

and, before or at the time of such adjudication, withholding of adjudication, or plea, the offender was attending a school attended by the victim or a sibling of the victim of the offense, the Department of Juvenile Justice shall notify the appropriate district school board of the adjudication or plea, the requirements of this paragraph, and whether the offender is prohibited from attending that school or riding on a school bus whenever the victim or a sibling of the victim is attending the same school or riding on the same school bus, except as provided pursuant to a written disposition order under s. 985.23(1)(d). Upon receipt of such notice, the district school board shall take appropriate action to effectuate the provisions of paragraph (b).

(b) Any offender described in paragraph (a), who is not exempted as provided in paragraph (a), shall not attend any school attended by the victim or a sibling of the victim of the offense or ride on a school bus on which the victim or a sibling of the victim is riding. The offender shall be permitted by the district school board to attend another school within the district in which the offender resides,

provided the other school is not attended by the victim or sibling of the victim of the offense; or the offender may be permitted by another district school board to attend a school in that district if the offender is unable to attend any school in the district in which the offender resides.

(c) If the offender is unable to attend any other school in the district in which the offender resides and is prohibited from attending school in another school district, the district school board in the school district in which the offender resides shall take every reasonable precaution to keep the offender separated from the victim while on school grounds or on school transportation. The steps to be taken by a district school board to keep the offender separated from the victim shall include, but are not limited to, in-school suspension of the offender and the scheduling of classes, lunch, or other school activities of the victim and the offender so as not to coincide.

(d) The offender, or the parents of the offender if the offender is a juvenile, shall be responsible for arranging and paying for transportation associated with or required by the offender's attending another school or that would be required as a consequence of the prohibition against riding on a school bus on which the victim or a sibling of the victim is riding. However, the offender or the parents of the offender shall not be charged for existing modes of transportation that can be used by the offender at no additional cost to the district school board.

Section 284. Section 1006.14, Florida Statutes, is created to read:

1006.14 Secret societies prohibited in public K-12 schools.--

Amendment No. ___ (for drafter's use only)

(1) It is unlawful for any person, group, or organization to organize or establish a fraternity, sorority, or other secret society whose membership is comprised in whole or in part of students enrolled in any public K-12 school or to go upon any public K-12 school premises for the purpose of soliciting any students to join such an organization.

(2) A secret society shall be interpreted to be a fraternity, sorority, or other organization whose active membership is comprised wholly or partly of students enrolled in public K-12 schools and which perpetuates itself wholly or partly by taking in additional members from the students enrolled in public K-12 schools on the basis of the decision of its membership rather than on the right of any student who is qualified by the rules of the school to be a member of and take part in any class or group exercise designated and classified according to gender, subjects included in the course of study, or program of school activities fostered and promoted by the district school board and district school superintendent or by school principals.

(3) This section shall not be construed to prevent the establishment of an organization fostered and promoted by school authorities, or approved and accepted by school authorities, and whose membership is selected on the basis of good character, good scholarship, leadership ability, and achievement. Full information regarding the charter, principles, purposes, and conduct of any such accepted organization shall be made available to all students and instructional personnel of the school.

(4) This section shall not be construed to relate to any junior organization or society sponsored by the Police Athletic League, Knights of Pythias, Oddfellows, Moose,

Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai B'rith, Young Men's and Young Women's Hebrew Associations, Young Men's and Young Women's Christian Associations, Kiwanis, Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation of Garden Clubs, and Florida Federation of Women's Clubs.

(5) It is unlawful for any student enrolled in any public K-12 school to be a member of, to join or to become a member of or to pledge himself or herself to become a member of any secret fraternity, sorority, or group wholly or partly formed from the membership of students attending public K-12 schools or to take part in the organization or formation of any such fraternity, sorority, or secret society; provided that this does not prevent any student from belonging to any organization fostered and promoted by the school authorities; or approved and accepted by the school authorities and whose membership is selected on the basis of good character, good scholarship, leadership ability, and achievement.

(6) The district school board may enforce the provisions of this section and prescribe and enforce such rules as are necessary. District school boards shall enforce the provisions of this section by suspending or, if necessary, expelling any student in any public K-12 school who violates this section.

Section 285. Section 1006.141, Florida Statutes, is created to read:

1006.141 Statewide school safety hotline.--

(1) The department may contract with the Florida Sheriffs Association to establish and operate a statewide toll-free school safety hotline for the purpose of reporting incidents that affect the safety and well-being of the school's population.

(2) The toll-free school safety hotline is to be a conduit for any person to anonymously report activity that affects the safety and well-being of the school's population.

(3) There may not be an award or monetary benefit for reporting an incident through the toll-free school safety hotline.

(4) The toll-free school safety hotline shall be operated in a manner that ensures that a designated school official is notified of a complaint received through the hotline if the complaint concerns that school. A complaint that concerns an actionable offense must be reported to the designated official within a reasonable time after the complaint is made. An actionable offense is an incident that could directly affect the safety or well-being of a person or property within a school.

(5) If a toll-free school safety hotline is established by contract with the Florida Sheriffs Association, the Florida Sheriffs Association shall produce a quarterly report that evaluates the incidents that have been reported to the hotline. This information may be used to evaluate future school safety educational needs and the need for prevention programs as the district school board considers necessary.

Section 286. Section 1006.145, Florida Statutes, is created to read:

1006.145 Disturbing school functions; penalty.--Any person not subject to the rules of a school who creates a disturbance on the property or grounds of any school, who commits any act that interrupts the orderly conduct of a school or any activity thereof commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 287. Part I.d. of chapter 1006, Florida Statutes, shall be entitled "Student Extracurricular Activities and Athletics" and shall consist of ss. 1006.15-1006.20.

Section 288. Section 1006.15, Florida Statutes, is created to read:

1006.15 Student standards for participation in interscholastic extracurricular student activities; regulation.--

(1) This section may be cited as the "Craig Dickinson Act."

(2) Interscholastic extracurricular student activities are an important complement to the academic curriculum. Participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult. As used in this section, the term "extracurricular" means any school-authorized or education-related activity occurring during or outside the regular instructional school day.

(3)(a) To be eligible to participate in interscholastic extracurricular student activities, a student must:

1. Maintain a grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the previous semester or a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1).

2. Execute and fulfill the requirements of an academic performance contract between the student, the district school board, the appropriate governing association, and the student's parents, if the student's cumulative grade point average falls below 2.0, or its equivalent, on a 4.0 scale in

the courses required by s. 1003.43(1) or, for students who entered the 9th grade prior to the 1997-1998 school year, if the student's cumulative grade point average falls below 2.0 on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) that are taken after July 1, 1997. At a minimum, the contract must require that the student attend summer school, or its graded equivalent, between grades 9 and 10 or grades 10 and 11, as necessary.

3. Have a cumulative grade point average of 2.0 or above on a 4.0 scale, or its equivalent, in the courses required by s. 1003.43(1) during his or her junior or senior year.

4. Maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extracurricular activities is contingent upon established and published district school board policy.

(b) Any student who is exempt from attending a full school day based on rules adopted by the district school board for double session schools or programs, experimental schools, or schools operating under emergency conditions must maintain the grade point average required by this section and pass each class for which he or she is enrolled.

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to district or interdistrict controlled open enrollment provisions, or may develop an agreement to participate at a

private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (3)(b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading

period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph (3)(c)2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph (3)(c)2. to become eligible to participate as a home education student.

(d) An individual charter school student pursuant to s. 1002.33 is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend, pursuant to district or interdistrict controlled open-enrollment provisions, in any interscholastic extracurricular activity of that school, unless such activity is provided by the student's charter school, if the following conditions are met:

1. The charter school student must meet the requirements of the charter school education program as determined by the charter school governing board.

2. During the period of participation at a school, the charter school student must demonstrate educational progress as required in paragraph (b).

3. The charter school student must meet the same residency requirements as other students in the school at which he or she participates.

4. The charter school student must meet the same

standards of acceptance, behavior, and performance that are required of other students in extracurricular activities.

5. The charter school student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before the beginning date of the season for the activity in which he or she wishes to participate. A charter school student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a charter school program to a traditional public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period if the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a charter school student until the student has successfully completed one grading period in a charter school pursuant to subparagraph 2. to become eligible to participate as a charter school student.

(4) The student standards for participation in interscholastic extracurricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the district school board; however, a district school board may not establish requirements for participation in interscholastic extracurricular activities which make participation in such

activities less accessible to home education students than to other students. Except as set forth in paragraph (3)(c), evaluation processes or requirements that are placed on home education student participants may not go beyond those that apply under s. 1002.41 to home education students generally.

(5) Any organization or entity that regulates or governs interscholastic extracurricular activities of public schools:

(a) Shall permit home education associations to join as member schools.

(b) Shall not discriminate against any eligible student based on an educational choice of public, private, or home education.

(6) Public schools are prohibited from membership in any organization or entity which regulates or governs interscholastic extracurricular activities and discriminates against eligible students in public, private, or home education.

(7) Any insurance provided by district school boards for participants in extracurricular activities shall cover the participating home education student. If there is an additional premium for such coverage, the participating home education student shall pay the premium.

Section 289. Section 1006.16, Florida Statutes, is created to read:

1006.16 Insuring school students engaged in athletic activities against injury.--Any district school board, school athletic association, or school may formulate, conduct, and purchase a plan or method of insuring, or may self-insure, school students against injury sustained by reason of such students engaging and participating in the athletic activities

conducted or sponsored by the district school board, association, or school in which such students are enrolled. A district school board, school athletic association, or school may add a surcharge to the fee charged for admission to athletic events as a means of producing revenue to purchase such insurance or to provide self-insurance. Any district school board may pay for all or part of such plan or method of insurance or self-insurance from available district school board funds.

Section 290. Section 1006.17, Florida Statutes, is created to read:

1006.17 Sponsorship of athletic activities similar to those for which scholarships offered; rulemaking.--

(1) If a district school board sponsors an athletic activity or sport that is similar to a sport for which a state university or public community college offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered. This section does not affect academic requirements for participation or prevent the school districts or community colleges from sponsoring activities in addition to those for which scholarships are provided.

(2) If a Florida public community college sponsors an athletic activity or sport that is similar to a sport for which a state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered.

(3) Two athletic activities or sports that are similar may be offered simultaneously.

(4) If the level of participation is insufficient to warrant continuation of an athletic activity or sport, the

1 school may offer an alternative athletic activity or sport.
2 (5) The State Board of Education shall adopt rules to
3 administer this section, including rules that determine which
4 athletic activities are similar to sports for which state
5 universities and community colleges offer scholarships.
6 Section 291. Section 1006.18, Florida Statutes, is
7 created to read:
8 1006.18 Cheerleader safety standards.--The Florida
9 High School Activities Association or successor organization
10 shall adopt statewide uniform safety standards for student
11 cheerleaders and spirit groups that participate in any school
12 activity or extracurricular student activity. The Florida High
13 School Activities Association or successor organization shall
14 adopt the "Official High School Spirit Rules," published by
15 the National Federation of State High School Associations, as
16 the statewide uniform safety standards.
17 Section 292. Section 1006.19, Florida Statutes, is
18 created to read:
19 1006.19 Audit of records of nonprofit corporations and
20 associations handling interscholastic activities.--
21 (1) Each nonprofit association or corporation that
22 operates for the purpose of supervising and controlling
23 interscholastic activities of public high schools and whose
24 membership is composed of duly certified representatives of
25 public high schools, and whose rules and regulations are
26 established by members thereof, shall have an annual financial
27 audit of its accounts and records by an independent certified
28 public accountant retained by it and paid from its funds. The
29 accountant shall furnish a copy of the audit report to the
30 Auditor General.
31 (2) Any such nonprofit association or corporation

shall keep adequate and complete records of all moneys received by it, including the source and amount, and all moneys spent by it, including salaries, fees, expenses, travel allowances, and all other items of expense. All records of any such organization shall be open for inspection by the Auditor General.

Section 293. Section 1006.20, Florida Statutes, is created to read:

1006.20 Athletics in public K-12 schools.--

(1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High School Activities Association is designated as the governing nonprofit organization of athletics in Florida public schools. If the Florida High School Activities Association fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The organization is not to be a state agency as defined in s. 120.52. The organization shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the organization. The bylaws of the organization are to be the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, "high school" includes grades 6 through 12.

(2) ADOPTION OF BYLAWS.--

(a) The organization shall adopt bylaws that, unless specifically provided by statute, establish eligibility requirements for all students who participate in high school athletic competition in its member schools. The bylaws

1 governing residence and transfer shall allow the student to be
2 eligible in the school in which he or she first enrolls each
3 school year, or makes himself or herself a candidate for an
4 athletic team by engaging in a practice prior to enrolling in
5 any member school. The student shall be eligible in that
6 school so long as he or she remains enrolled in that school.
7 Subsequent eligibility shall be determined and enforced
8 through the organization's bylaws.
9 (b) The organization shall adopt bylaws that
10 specifically prohibit the recruiting of students for athletic
11 purposes. The bylaws shall prescribe penalties and an appeals
12 process for athletic recruiting violations.
13 (c) The organization shall adopt bylaws that require
14 all students participating in interscholastic athletic
15 competition or who are candidates for an interscholastic
16 athletic team to satisfactorily pass a medical evaluation each
17 year prior to participating in interscholastic athletic
18 competition or engaging in any practice, tryout, workout, or
19 other physical activity associated with the student's
20 candidacy for an interscholastic athletic team. Such medical
21 evaluation can only be administered by a practitioner licensed
22 under the provisions of chapter 458, chapter 459, chapter 460,
23 or s. 464.012, and in good standing with the practitioner's
24 regulatory board. The bylaws shall establish requirements for
25 eliciting a student's medical history and performing the
26 medical evaluation required under this paragraph, which shall
27 include minimum standards for the physical capabilities
28 necessary for participation in interscholastic athletic
29 competition as contained in a uniform preparticipation
30 physical evaluation form. The evaluation form shall provide a
31 place for the signature of the practitioner performing the

evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Practitioners administering medical evaluations pursuant to this subsection must know the minimum standards established by the organization and certify that the student meets the standards. If the practitioner determines that there are any abnormal findings in the cardiovascular system, the student may not participate unless a subsequent EKG or other cardiovascular assessment indicates that the abnormality will not place the student at risk during such participation. Results of such medical evaluation must be provided to the school. No student shall be eligible to participate in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation verifying that the student has satisfactorily passed the evaluation have been received and approved by the school.

(d) Notwithstanding the provisions of paragraph (c), a student may participate in interscholastic athletic

competition or be a candidate for an interscholastic athletic team if the parent of the student objects in writing to the student undergoing a medical evaluation because such evaluation is contrary to his or her religious tenets or practices. However, in such case, there shall be no liability on the part of any person or entity in a position to otherwise rely on the results of such medical evaluation for any damages resulting from the student's injury or death arising directly from the student's participation in interscholastic athletics where an undisclosed medical condition that would have been revealed in the medical evaluation is a proximate cause of the injury or death.

(3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

(a) The organization shall operate as a representative democracy in which the sovereign authority is within its member schools. Except as provided in this section, the organization shall govern its affairs through its bylaws.

(b) Each member school, on its annual application for membership, shall name its official representative to the organization. This representative must be either the school principal or his or her designee. That designee must either be an assistant principal or athletic director housed within that same school.

(c) The organization's membership shall be divided along existing county lines into four contiguous and compact administrative regions, each containing an equal or nearly equal number of member schools to ensure equitable representation on the organization's board of directors, representative assembly, and committee on appeals.

(4) BOARD OF DIRECTORS.--

(a) The executive authority of the organization shall

be vested in its board of directors. The board of directors shall be composed of 15 persons, as follows:

1. Four public member school representatives, one elected from among its public school representative members within each of the four administrative regions.

2. Four nonpublic member school representatives, one elected from among its nonpublic school representative members within each of the four administrative regions.

3. Two representatives appointed by the commissioner, one appointed from the two northernmost administrative regions and one appointed from the two southernmost administrative regions.

4. Two district school superintendents, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

5. Two district school board members, one elected from the two northernmost administrative regions by the members in those regions and one elected from the two southernmost administrative regions by the members in those regions.

6. The commissioner or his or her designee from the department executive staff.

(b) A quorum of the board of directors shall consist of nine members.

(c) The board of directors shall elect a president and a vice president from among its members. These officers shall also serve as officers of the organization.

(d) Members of the board of directors shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the board of directors, other than the

commissioner or his or her designee, may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(e) The authority and duties of the board of directors, acting as a body and in accordance with the organization's bylaws, are as follows:

1. To act as the incorporated organization's board of directors and to fulfill its obligations as required by the organization's charter and articles of incorporation.

2. To establish such guidelines, regulations, policies, and procedures as are authorized by the bylaws.

3. To provide an organization commissioner, who shall have the authority to waive the bylaws of the organization in order to comply with statutory changes.

4. To levy annual dues and other fees and to set the percentage of contest receipts to be collected by the organization.

5. To approve the budget of the organization.

6. To organize and conduct statewide interscholastic competitions, which may or may not lead to state championships, and to establish the terms and conditions for these competitions.

7. To act as an administrative board in the interpretation of, and final decision on, all questions and appeals arising from the directing of interscholastic athletics of member schools.

(5) REPRESENTATIVE ASSEMBLY.--

(a) The legislative authority of the organization is vested in its representative assembly.

(b) The representative assembly shall be composed of

the following:

1. An equal number of member school representatives from each of the four administrative regions.

2. Four district school superintendents, one elected from each of the four administrative regions by the district school superintendents in their respective administrative regions.

3. Four district school board members, one elected from each of the four administrative regions by the district school board members in their respective administrative regions.

4. The commissioner or his or her designee from the department executive staff.

(c) The organization's bylaws shall establish the number of member school representatives to serve in the representative assembly from each of the four administrative regions and shall establish the method for their selection.

(d) No member of the board of directors other than the commissioner or his or her designee can serve in the representative assembly.

(e) The representative assembly shall elect a chairperson and a vice chairperson from among its members.

(f) Elected members of the representative assembly shall serve terms of 2 years and are eligible to succeed themselves for two additional terms. An elected member, other than the commissioner or his or her designee, may serve a maximum of 6 consecutive years in the representative assembly.

(g) A quorum of the representative assembly consists of one more than half of its members.

(h) The authority of the representative assembly is limited to its sole duty, which is to consider, adopt, or

reject any proposed amendments to the organization's bylaws.

(i) The representative assembly shall meet as a body annually. A two-thirds majority of the votes cast by members present is required for passage of any proposal.

(6) PUBLIC LIAISON ADVISORY COMMITTEE.--

(a) The organization shall establish, sustain, fund, and provide staff support to a public liaison advisory committee composed of the following:

1. The commissioner or his or her designee.

2. A member public school principal.

3. A member private school principal.

4. A member school principal who is a member of a racial minority.

5. An active athletic director.

6. An active coach, who is employed full time by a member school.

7. A student athlete.

8. A district school superintendent.

9. A district school board member.

10. A member of the Florida House of Representatives.

11. A member of the Florida Senate.

12. A parent of a high school student.

13. A member of a home education association.

14. A representative of the business community.

15. A representative of the news media.

(b) No member of the board of directors, committee on appeals, or representative assembly is eligible to serve on the public liaison advisory committee.

(c) The public liaison advisory committee shall elect a chairperson and vice chairperson from among its members.

(d) The authority and duties of the public liaison

advisory committee are as follows:

1. To act as a conduit through which the general public may have input into the decisionmaking process of the organization and to assist the organization in the development of procedures regarding the receipt of public input and disposition of complaints related to high school athletic and competition programs.

2. To conduct public hearings annually in each of the four administrative regions during which interested parties may address issues regarding the effectiveness of the rules, operation, and management of the organization.

3. To conduct an annual evaluation of the organization as a whole and present a report of its findings, conclusion, and recommendations to the board of directors, to the commissioner, and to the respective education committees of the Florida Senate and the Florida House of Representatives. The recommendations must delineate policies and procedures that will improve the implementation and oversight of high school athletic programs by the organization.

(e) The public liaison advisory committee shall meet four times annually. Additional meetings may be called by the committee chairperson, the organization president, or the organization commissioner.

(7) APPEALS.--

(a) The organization shall establish a procedure of due process which ensures each student the opportunity to appeal an unfavorable ruling with regard to his or her eligibility to compete. The initial appeal shall be made to a committee on appeals within the administrative region in which the student lives. The organization's bylaws shall establish the number, size, and composition of the committee on appeals.

(b) No member of the board of directors is eligible to serve on the committee on appeals.

(c) Members of the committee on appeals shall serve terms of 3 years and are eligible to succeed themselves only once. A member of the committee on appeals may serve a maximum of 6 consecutive years. The organization's bylaws shall establish a rotation of terms to ensure that a majority of the members' terms do not expire concurrently.

(d) The authority and duties of the committee on appeals shall be to consider requests by member schools seeking exceptions to bylaws and regulations, to hear undue hardship eligibility cases filed by member schools on behalf of student athletes, and to hear appeals filed by member schools.

(e) A student athlete or member school that receives an unfavorable ruling from a committee on appeals shall be entitled to appeal that decision to the board of directors at its next regularly scheduled meeting or called meeting. The board of directors shall have the authority to uphold, reverse, or amend the decision of the committee on appeals. In all such cases, the decision of the board of directors shall be final.

(8) AMENDMENT OF BYLAWS.--Each member school representative, the board of directors acting as a whole or as members acting individually, any advisory committee acting as a whole to be established by the organization, and the organization's commissioner are empowered to propose amendments to the bylaws. Any other individual may propose an amendment by securing the sponsorship of any of the aforementioned individuals or bodies. All proposed amendments must be submitted directly to the representative assembly for

its consideration. The representative assembly, while empowered to adopt, reject, or revise proposed amendments, may not, in and of itself, as a body be allowed to propose any amendment for its own consideration.

(9) RULES ADOPTION.--The bylaws of the organization shall require member schools to adopt rules for sports, which have been established by a nationally recognized sanctioning body, unless waived by at least a two-thirds vote of the board of directors.

(10) EXAMINATION; CRITERIA; REPORT.--The board of directors of the Florida High School Activities Association shall undertake an examination of the following:

(a) Alternative criteria for establishing administrative regions to include, but not be limited to, population.

(b) Procedures to ensure appropriate diversity in the membership of the board of directors.

(c) Opportunities to secure corporate financial support for high school athletic programs.

The board of directors shall submit to the commissioner, the President of the Senate, and the Speaker of the House of Representatives not later than March 1, 2003, a report on the actions taken in the examination of each of the three topics listed in this subsection, the findings, and the actions to be taken to implement the findings and the target date for implementation.

Section 294. Part I.e. of chapter 1006, Florida Statutes, shall be entitled "Transportation of Public K-12 Students" and shall consist of ss. 1006.21-1006.27.

Section 295. Section 1006.21, Florida Statutes, is

Amendment No. ___ (for drafter's use only)

created to read:

1006.21 Duties of district school superintendent and district school board regarding transportation.--

(1) The district school superintendent shall ascertain which students should be transported to school or to school activities, determine the most effective arrangement of transportation routes to accommodate these students; recommend such routing to the district school board; recommend plans and procedures for providing facilities for the economical and safe transportation of students; recommend such rules and regulations as may be necessary and see that all rules and regulations relating to the transportation of students approved by the district school board, as well as regulations of the state board, are properly carried into effect, as prescribed in this chapter.

(2) After considering recommendations of the district school superintendent, the district school board shall make provision for the transportation of students to the public schools or school activities they are required or expected to attend; authorize transportation routes arranged efficiently and economically; provide the necessary transportation facilities, and, when authorized under rules of the State Board of Education and if more economical to do so, provide limited subsistence in lieu thereof; and adopt the necessary rules and regulations to ensure safety, economy, and efficiency in the operation of all buses, as prescribed in this chapter.

(3) District school boards, after considering recommendations of the district school superintendent:

(a) Shall provide transportation for each student in prekindergarten disability programs and in kindergarten

through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the State Board of Education, from the nearest appropriate school.

(b) Shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, and may provide transportation for public school students in membership in grades 7 through 12, if such students are subjected to hazardous walking conditions as provided in s. 1006.23 while en route to or from school.

(c) May provide transportation for public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult career and technical, basic, and high school graduation programs in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available.

(d) May provide transportation for the transportation disadvantaged as defined in s. 427.011 and for other school-age children as provided for in s. 1006.261.

(e) Shall provide necessary transportation to pregnant students or student parents, and the children of those students, when the district school board operates a teenage parent program pursuant to s. 1003.54.

(f) May provide transportation for other persons to events or activities in which the district school board or

school has agreed to participate or cosponsor. The district school board shall adopt a policy to address liability for trips pursuant to this paragraph.

(g) May provide transportation for welfare transition program participants as defined in s. 414.0252.

(4) In each case in which transportation of students is impracticable in the opinion of the district school board, the district school board may take steps for making available educational facilities as are authorized by law or rule of the State Board of Education and as, in the opinion of the district school board, are practical.

Section 296. Section 1006.22, Florida Statutes, is created to read:

1006.22 Safety and health of students being transported.--Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

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(a) When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

(b) When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

(c) When the transportation is provided through a public transit system.

(d) When the transportation of students is necessary or practical in a motor vehicle owned or operated by a district school board other than a school bus, such transportation must be provided in designated seating positions in a passenger car not to exceed 8 students or in a multipurpose passenger vehicle designed to transport 10 or fewer persons which meets all applicable federal motor vehicle safety standards. Multipurpose passenger vehicles classified as utility vehicles with a wheelbase of 110 inches or less which are required by federal motor vehicle standards to display a rollover warning label may not be used.

When students are transported in motor vehicles, the occupant crash protection system provided by the vehicle manufacturer must be used unless the student's physical condition prohibits such use.

(2) Except as provided in subsection (1), district school boards may authorize the transportation of students in privately owned motor vehicles on a case-by-case basis only in the following circumstances:

(a) When a student is ill or injured and must be taken

home or to a medical treatment facility under nonemergency circumstances; and

1. The school has been unable to contact the student's parent or the parent or responsible adult designated by the parent is not available to provide the transportation;

2. Proper adult supervision of the student is available at the location to which the student is being transported;

3. The transportation is approved by the school principal, or a school administrator designated by the principal to grant or deny such approval, or in the absence of the principal and designee, by the highest ranking school administrator or teacher available under the circumstances; and

4. If the school has been unable to contact the parent prior to the transportation, the school shall continue to seek to contact the parent until the school is able to notify the parent of the transportation and the pertinent circumstances.

(b) When the transportation is in connection with a school function or event regarding which the district school board or school has undertaken to participate or to sponsor or provide the participation of students; and

1. The function or event is a single event that is not part of a scheduled series or sequence of events to the same location, such as, but not limited to, a field trip, a recreational outing, an interscholastic competition or cooperative event, an event connected with an extracurricular activity offered by the school, or an event connected to an educational program, such as, but not limited to, a job interview as part of a cooperative education program;

2. Transportation is not available, as a practical

matter, using a school bus or school district passenger car; and

3. Each student's parent is notified, in writing, regarding the transportation arrangement and gives written consent before a student is transported in a privately owned motor vehicle.

(c) When a district school board requires employees such as school social workers and attendance officers to use their own motor vehicles to perform duties of employment, and such duties include the occasional transportation of students.

(3) When approval is granted for the transportation of students in a privately owned vehicle, the provisions of s. 1006.24 regarding liability for tort claims are applicable. District school board employees who provide approved transportation in privately owned vehicles are acting within the scope of their employment. Parents or other responsible adults who provide approved transportation in privately owned vehicles have the same exposure to, and protections from, risks of personal liability as do district school board employees acting within the scope of their employment.

(4) Each district school board may establish policies that restrict the use of privately owned motor vehicles to circumstances that are more limited than are described in this section or that prohibit such use. Each district school board may establish written policies that provide for more extensive requirements for approval, parental notification and consent procedures, insurance coverage, driver qualifications, or a combination of these.

(5) When transportation is authorized in privately owned vehicles, students may be transported only in designated seating positions and must use the occupant crash protection

1 system provided by the vehicle manufacturer.
2 (6) District school boards may contract with a common
3 carrier to transport students to and from in-season and
4 postseason athletic contests and to and from a school function
5 or event in which the district school board or a school has
6 undertaken to participate or to provide for or sponsor the
7 participation of students.
8 (7) Transportation for adult students may be provided
9 by any appropriate means as authorized by the district school
10 board when the transportation is accepted as a responsibility
11 by the district school board as provided in s. 1006.21.
12 (8) Notwithstanding any other provision of this
13 section, in an emergency situation that constitutes an
14 imminent threat to student health or safety, school personnel
15 may take whatever action is necessary under the circumstances
16 to protect student health and safety.
17 (9) Except as provided in s. 1006.261, transportation
18 is not the responsibility of the district school board in
19 connection with any event or activity that is not an event or
20 activity offered by the district school board or an event or
21 an activity in which the district school board or school has
22 agreed to participate, cosponsor, or require the participation
23 of students, and the district school board has no liability
24 for transportation arranged and provided by parents or other
25 parties to such events or activities.
26 (10) Each district school board shall designate and
27 adopt a specific plan for adequate examination, maintenance,
28 and repair of transportation equipment. Examination of the
29 mechanical and safety condition of each school bus must be
30 made as required pursuant to rule of the State Board of
31 Education. The State Board of Education shall base the rule on

student safety considerations.

(11) The district school superintendent shall notify the district school board of any school bus that does not meet all requirements of law and rules of the State Board of Education, and the district school board shall, if the school bus is in an unsafe condition, withdraw it from use as a school bus until the bus meets the requirements. The department may inspect or have inspected any school bus to determine whether the bus meets requirements of law and rules of the State Board of Education. The department may, after due notice to a district school board that any school bus does not meet certain requirements of law and rules of the State Board of Education, rule that the bus must be withdrawn from use as a school bus, this ruling to be effective immediately or upon a date specified in the ruling, whereupon the district school board shall withdraw the school bus from use as a school bus until it meets requirements of law and rules of the State Board of Education and until the department has officially revoked the pertinent ruling. Notwithstanding any other provisions of this chapter, general purpose urban transit systems are declared qualified to transport students to and from school.

(12)(a) The routing and scheduling of school buses must be planned to eliminate the necessity for students to stand while a school bus is in motion. When circumstances of an emergency nature, as defined by written district school board policy, temporarily require transporting students on school buses in excess of the rated seating capacity, the buses must proceed at a reduced rate of speed to maximize safety of the students, taking into account existing traffic conditions. Each district school board is responsible for

prompt relief of the emergency condition by providing additional equipment, bus rerouting, bus rescheduling, or other appropriate remedial action, and must maintain written district school board policies to address such situations.

(b) Each district school board, after considering recommendations from the district school superintendent, shall designate, by map or otherwise, or shall provide by district school board rule for the designation of, nontransportation zones that are composed of all areas in the school district from which it is unnecessary or impracticable to furnish transportation. Nontransportation zones must be designated annually before the opening of school and the designation of bus routes for the succeeding school year. Each district school board, after considering recommendations from the district school superintendent, shall specifically designate, or shall provide by district school board rule for the designation of, specific routes to be traveled regularly by school buses, and each route must meet the requirements prescribed by rules of the State Board of Education.

(c) Each district school board shall establish school bus stops, or provide by district school board rule for the establishment of school bus stops, as necessary at the most reasonably safe locations available. Where unusual traffic hazards exist at school bus stops on roads maintained by the state outside of municipalities, the Department of Transportation, in concurrence and cooperation with and upon request of the district school board, shall place signs at such bus stops warning motorists of the location of the stops.

(13) The State Board of Education may adopt rules to implement this section as are necessary or desirable in the interest of student health and safety.

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Section 297. Section 1006.23, Florida Statutes, is created to read:

1006.23 Hazardous walking conditions.--

(1) DEFINITION.--As used in this section, "student" means any public elementary school student whose grade level does not exceed grade 6.

(2) TRANSPORTATION; CORRECTION OF HAZARDS.--

(a) It is intended that district school boards and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school and that district school boards provide transportation to students who would be subjected to such conditions. It is further intended that state or local governmental entities having jurisdiction correct such hazardous conditions within a reasonable period of time.

(b) Upon a determination pursuant to this section that a condition is hazardous to students, the district school board shall request a determination from the state or local governmental entity having jurisdiction regarding whether the hazard will be corrected and, if so, regarding a projected completion date. State funds shall be allocated for the transportation of students subjected to such hazards, provided that such funding shall cease upon correction of the hazard or upon the projected completion date, whichever occurs first.

(3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a request for review is made to the district school superintendent or the district school superintendent's designee concerning a condition perceived to be hazardous to students in that district who live within the 2-mile limit and who walk to school, such condition shall be inspected by a representative of the school district and a representative of

the state or local governmental entity that has jurisdiction over the perceived hazardous location. The district school superintendent or his or her designee and the state or local governmental entity or its representative shall then make a final determination that is mutually agreed upon regarding whether the hazardous condition meets the state criteria pursuant to this section. The district school superintendent or his or her designee shall report this final determination to the department.

(4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING CONDITIONS.--

(a) Walkways parallel to the road.--

1. It shall be considered a hazardous walking condition with respect to any road along which students must walk in order to walk to and from school if there is not an area at least 4 feet wide adjacent to the road, having a surface upon which students may walk without being required to walk on the road surface. In addition, whenever the road along which students must walk is uncurbed and has a posted speed limit of 55 miles per hour, the area as described above for students to walk upon shall be set off the road by no less than 3 feet from the edge of the road.

2. The provisions of subparagraph 1. do not apply when the road along which students must walk:

a. Is in a residential area which has little or no transient traffic;

b. Is a road on which the volume of traffic is less than 180 vehicles per hour, per direction, during the time students walk to and from school; or

c. Is located in a residential area and has a posted speed limit of 30 miles per hour or less.

(b) Walkways perpendicular to the road.--It shall be considered a hazardous walking condition with respect to any road across which students must walk in order to walk to and from school:

1. If the traffic volume on the road exceeds the rate of 360 vehicles per hour, per direction (including all lanes), during the time students walk to and from school and if the crossing site is uncontrolled. For purposes of this subsection, an "uncontrolled crossing site" is an intersection or other designated crossing site where no crossing guard, traffic enforcement officer, or stop sign or other traffic control signal is present during the times students walk to and from school.

2. If the total traffic volume on the road exceeds 4,000 vehicles per hour through an intersection or other crossing site controlled by a stop sign or other traffic control signal, unless crossing guards or other traffic enforcement officers are also present during the times students walk to and from school.

Traffic volume shall be determined by the most current traffic engineering study conducted by a state or local governmental agency.

Section 298. Section 1006.24, Florida Statutes, is created to read:

1006.24 Tort liability; liability insurance.--

(1) Each district school board shall be liable for tort claims arising out of any incident or occurrence involving a school bus or other motor vehicle owned, maintained, operated, or used by the district school board to transport persons, to the same extent and in the same manner

as the state or any of its agencies or subdivisions is liable for tort claims under s. 768.28, except that the total liability to persons being transported for all claims or judgments of such persons arising out of the same incident or occurrence shall not exceed an amount equal to $5,000 multiplied by the rated seating capacity of the school bus or other vehicle, as determined by rules of the State Board of Education, or $100,000, whichever is greater. The provisions of s. 768.28 apply to all claims or actions brought against district school boards, as authorized in this subsection.

(2) Each district school board may secure and keep in force a medical payments plan or medical payments insurance on school buses and other vehicles. If a medical payments plan or insurance is provided, it shall be carried in a sum of no less than $500 per person.

(3) Expenses, costs, or premiums to protect against liability for torts as provided in this section may be paid from any available funds of the district school board.

(4) If vehicles used in transportation are not owned by the district school board, the district school board may require owners of such vehicles to show evidence of adequate insurance during the time that such vehicles are in the services of the district school board.

Section 299. Section 1006.25, Florida Statutes, is created to read:

1006.25 School buses.--School buses shall be defined and meet specifications as follows:

(1) DEFINITION.--For the purpose of this part, a "school bus" is a motor vehicle regularly used for the transportation of prekindergarten disability program and kindergarten through grade 12 students of the public schools

to and from school or to and from school activities, and owned, operated, rented, contracted, or leased by any district school board, except:

(a) Passenger cars, multipurpose passenger vehicles, and trucks as defined in 49 C.F.R. part 571.

(b) Motor vehicles subject to, and meeting all requirements of, the United States Department of Transportation, Federal Motor Carrier Safety Regulations under Title 49, Code of Federal Regulations and operated by carriers operating under the jurisdiction of these regulations but not used exclusively for the transportation of public school students.

(2) SPECIFICATIONS.--Each school bus as defined in 49 C.F.R. part 571 and subsection (1) that is rented, leased, purchased, or contracted for must meet the applicable federal motor vehicle safety standards and other specifications as prescribed by rules of the State Board of Education.

(3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle owned and operated by a county or municipal transit authority that is leased by the district school board for transportation of public school students must meet such standards as the State Board of Education establishes by rule. A school bus authorized by a district school board to carry passengers other than school students must have the words "School Bus" and any other signs and insignia that mark or designate it as a school bus covered, removed, or otherwise concealed while such passengers are being transported.

(4) OCCUPANT PROTECTION SYSTEMS.--Students may be transported only in designated seating positions, except as provided in s. 1006.22(12), and must use the occupant crash protection system provided by the manufacturer, which system

must comply with the requirements of 49 C.F.R. part 571 or with specifications of the State Board of Education.

Section 300. Section 1006.261, Florida Statutes, is created to read:

1006.261 Use of school buses for public purposes.--

(1)(a) Each district school board may enter into agreements with the governing body of a county or municipality in the school district or any state agency or agencies established or identified to assist the transportation disadvantaged, as defined in s. 427.011, including the elderly, pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the school district by departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including transportation of the transportation disadvantaged. Each such agreement shall provide for reimbursement of the district school board, in full or in part, for the proportionate share of fixed and operating costs incurred by the district school board attributable to the use of the buses pursuant to the agreement.

(b) Each district school board may enter into agreements with regional workforce boards for the provision of transportation services to participants in the welfare transition program. Agreements must provide for reimbursement in full or in part for the proportionate share of fixed and operating costs incurred by the district school board attributable to the use of buses in accordance with the agreement.

(c) Each district school board may enter into agreements with nonprofit corporations and nonprofit civic associations and groups to allow the use of school buses to

transport school-age children for activities sponsored by such associations and groups, including, but not limited to, the Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and similar groups. The use of school buses for these activities shall be pursuant to rules adopted by the district school board and with compensation to the district school board at least equal to the costs incurred by the board for such use.

(2)(a) The governing body or state agency or agencies established or identified pursuant to Pub. L. No. 89-73, or the nonprofit corporation or nonprofit civic organization or group, or an agency established or identified to assist the transportation disadvantaged as defined in s. 427.011, shall indemnify and hold harmless the district school board from any and all liability by virtue of the use of the buses pursuant to an agreement authorized by this section.

(b) For purposes of liability for negligence, state agencies or subdivisions as defined in s. 768.28(2) shall be covered by s. 768.28. Every other corporation or organization shall provide liability insurance coverage in the minimum amounts of $100,000 on any claim or judgment and $200,000 on all claims and judgments arising from the same incident or occurrence.

(3) When the buses are used for nonschool purposes other than the transportation of the transportation disadvantaged, the flashing red lights and white strobe lights shall not be used, and the "School Bus" inscriptions on the front and rear of the buses shall be covered or concealed.

Section 301. Section 1006.27, Florida Statutes, is created to read:

1006.27 Pooling of school buses and related purchases by district school boards; transportation services

contracts.--

(1) The department shall assist district school boards in securing school buses, contractual needs, equipment, and supplies at as reasonable prices as possible by providing a plan under which district school boards may voluntarily pool their bids for such purchases. The department shall prepare bid forms and specifications, obtain quotations of prices and make such information available to district school boards in order to facilitate this service. District school boards from time to time, as prescribed by State Board of Education rule, shall furnish the department with information concerning the prices paid for such items and the department shall furnish to district school boards periodic information concerning the lowest prices at which school buses, equipment, and related supplies are available based upon comparable specifications.

(2) If a contract between any district school board and any person, business, or entity to provide the district school board with school bus service for the transportation of students in the district provides that the person, business, or entity shall own, operate, and maintain school buses for such service, the district school board may purchase the number of buses needed for the district through the department and sell them to the person, business, or entity as a part of the contract for such service.

Section 302. Part I.f. of chapter 1006, Florida Statutes, shall be entitled "Instructional Materials for K-12 Public Education" and shall consist of ss. 1006.28-1006.43.

Section 303. Section 1006.28, Florida Statutes, is created to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12

instructional materials.--

(1) DISTRICT SCHOOL BOARD.--The district school board has the duty to provide adequate instructional materials for all students in accordance with the requirements of this part. The term "adequate instructional materials" means a sufficient number of textbooks or sets of materials serving as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature, except for instruction for which the school advisory council approves the use of a program that does not include a textbook as a major tool of instruction. The district school board has the following specific duties:

(a) Courses of study; adoption.--Adopt courses of study for use in the schools of the district.

(b) Textbooks.--Provide for proper requisitioning, distribution, accounting, storage, care, and use of all instructional materials furnished by the state and furnish such other instructional materials as may be needed. The district school board shall assure that instructional materials used in the district are consistent with the district goals and objectives and the curriculum frameworks adopted by rule of the State Board of Education, as well as with the state and district performance standards provided for in s. 1001.03(1).

(c) Other instructional materials.--Provide such other teaching accessories and aids as are needed for the school district's educational program.

(d) School library media services; establishment and maintenance.--Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library

media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system.

(2) DISTRICT SCHOOL SUPERINTENDENT.--

(a) The district school superintendent has the duty to recommend such plans for improving, providing, distributing, accounting for, and caring for textbooks and other instructional aids as will result in general improvement of the district school system, as prescribed in this part, in accordance with adopted district school board rules prescribing the duties and responsibilities of the district school superintendent regarding the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials, and providing for an evaluation of any instructional materials to be requisitioned that have not been used previously in the district's schools. The district school superintendent must keep adequate records and accounts for all financial transactions for funds collected pursuant to subsection (3), as a component of the educational service delivery scope in a school district best financial management practices review under s. 1008.35.

(b) Each district school superintendent shall notify the department by April 1 of each year the state-adopted instructional materials that will be requisitioned for use in his or her school district. The notification shall include a district school board plan for instructional materials use to assist in determining if adequate instructional materials have been requisitioned.

(3) SCHOOL PRINCIPAL.--The school principal has the

following duties for the management and care of instructional materials at the school:

(a) Proper use of instructional materials.--The principal shall assure that instructional materials are used to provide instruction to students enrolled at the grade level or levels for which the materials are designed, pursuant to adopted district school board rule. The school principal shall communicate to parents the manner in which instructional materials are used to implement the curricular objectives of the school.

(b) Money collected for lost or damaged books; enforcement.--The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. If instructional materials lost, destroyed, or damaged have been in school use for more than 1 year, a sum ranging between 50 and 75 percent of the purchase price of the book shall be collected, determined by the physical condition of the book. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extracurricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

(c) Sale of instructional materials.--The school principal, upon request of the parent of a student in the school, shall sell to the parent any instructional materials used in the school. All such sales shall be made pursuant to

rule adopted by the district school board, and the principal shall annually provide information to parents that they may purchase instructional materials and how to purchase the materials.

(d) Disposition of funds.--All money collected from the sale, exchange, loss, or damage of instructional materials shall be transmitted to the district school superintendent to be deposited in the district school board fund and added to the district appropriation for instructional materials.

(e) Accounting for textbooks.--Principals shall see that all books are fully and properly accounted for as prescribed by adopted rules of the district school board.

Section 304. Section 1006.29, Florida Statutes, is created to read:

1006.29 State instructional materials committees.--

(1) Each school year, not later than April 15, the commissioner shall appoint state instructional materials committees composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and representing the major fields and levels in which instructional materials are used in the public schools and, in addition, lay citizens not professionally connected with education. Committee members shall receive training pursuant to subsection (5) in competencies related to the evaluation and selection of instructional materials.

(a) There shall be ten or more members on each committee: At least 50 percent of the members shall be classroom teachers who are certified in an area directly related to the academic area or level being considered for adoption, two shall be laypersons, one shall be a district school board member, and two shall be supervisors of teachers.

The committee must have the capacity or expertise to address the broad racial, ethnic, socioeconomic, and cultural diversity of the state's student population. Personnel selected as teachers of the year at the school, district, regional, or state level are encouraged to serve on instructional materials committees.

(b) The membership of each committee must reflect the broad racial, ethnic, socioeconomic, and cultural diversity of the state, including a balanced representation from the state's geographic regions.

(c) The commissioner shall determine annually the areas in which instructional materials shall be submitted for adoption, taking into consideration the desires of the district school boards. The commissioner shall also determine the number of titles to be adopted in each area.

(2)(a) All appointments shall be as prescribed in this section. No member shall serve more than two consecutive terms on any committee. All appointments shall be for 18-month terms. All vacancies shall be filled in the manner of the original appointment for only the time remaining in the unexpired term. At no time may a district school board have more than one representative on a committee. The commissioner and a member of the department whom he or she shall designate shall be additional and ex officio members of each committee.

(b) The names and mailing addresses of the members of the state instructional materials committees shall be made public when appointments are made.

(c) The district school board shall be reimbursed for the actual cost of substitute teachers for each workday that a member of its instructional staff is absent from his or her assigned duties for the purpose of rendering service to the

state instructional materials committee. In addition, committee members shall be reimbursed for travel expenses and per diem in accordance with s. 112.061 for actual service in meetings of committees called by the commissioner. Payment of such travel expenses shall be made by the Treasurer from the appropriation for the administration of the instructional materials program, on warrants to be drawn by the Comptroller upon requisition approved by the commissioner.

(d) Any member of a committee may be removed by the commissioner for cause.

(3) All references in the law to the state instructional materials committee shall apply to each committee created by this section.

(4) For purposes of state adoption, "instructional materials" means items having intellectual content that by design serve as a major tool for assisting in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software. The term does not include electronic or computer hardware even if such hardware is bundled with software or other electronic media, nor does it include equipment or supplies.

(5) The department shall develop a training program for persons selected to serve on state instructional materials committees. The program shall be structured to assist committee members in developing the skills necessary to make valid, culturally sensitive, and objective decisions regarding the content and rigor of instructional materials. All persons serving on instructional materials committees must complete

the training program prior to beginning the review and selection process.

Section 305. Section 1006.30, Florida Statutes, is created to read:

1006.30 Affidavit of state instructional materials committee members.--Before transacting any business, each member of a state committee shall make an affidavit, to be filed with the commissioner, that:

(1) The member will faithfully discharge the duties imposed upon him or her as a member of the committee.

(2) The member has no interest, and while a member of the committee he or she will assume no interest, in any publishing or manufacturing organization which produces or sells instructional materials.

(3) The member is in no way connected, and while a member of the committee he or she will assume no connection, with the distribution of the instructional materials.

(4) The member is not pecuniarily interested, and while a member of the committee he or she will assume no pecuniary interest, directly or indirectly, in the business or profits of any person engaged in manufacturing, publishing, or selling instructional materials designed for use in the public schools.

(5) The member will not accept any emolument or promise of future reward of any kind from any publisher or manufacturer of instructional materials or his or her agent or anyone interested in, or intending to bias his or her judgment in any way in, the selection of any materials to be adopted.

(6) It is unlawful for any member of a state instructional materials committee to discuss matters relating to instructional materials submitted for adoption with any

agent of a publisher or manufacturer of instructional materials, either directly or indirectly, except during the period when the committee has been called into session for the purpose of evaluating instructional materials submitted for adoption. Such discussions shall be limited to official meetings of the committee and in accordance with procedures prescribed by the commissioner for that purpose.

Section 306. Section 1006.31, Florida Statutes, is created to read:

1006.31 Duties of each state instructional materials committee.--The duties of each state instructional materials committee are:

(1) PLACE AND TIME OF MEETING.--To meet at the call of the commissioner, at a place in the state designated by him or her, for the purpose of evaluating and recommending instructional materials for adoption by the state. All meetings of state instructional materials committees shall be announced publicly in the Florida Administrative Weekly at least 2 weeks prior to the date of convening. All meetings of the committees shall be open to the public.

(2) ORGANIZATION.--To elect a chair and vice chair for each adoption. An employee of the department shall serve as secretary to the committee and keep an accurate record of its proceedings. All records of committee motions and votes, and summaries of committee debate shall be incorporated into a publishable document and shall be available for public inspection and duplication.

(3) PROCEDURES.--To adhere to procedures prescribed by the commissioner for evaluating instructional materials submitted by publishers and manufacturers in each adoption.

(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 and those curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(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, career and technical, 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 students, 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 students 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.

(5) REPORT OF COMMITTEE.--Each committee, after a thorough study of all data submitted on each instructional material, and after each member has carefully evaluated each instructional material, shall present a written report to the commissioner. Such report shall be made public, and shall include:

(a) A description of the procedures used in determining the instructional materials to be recommended to the commissioner.

(b) Recommendations of instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are to be made. If deemed advisable, the committee may include such other information, expression of opinion, or recommendation as would be helpful to the commissioner. If there is a difference of opinion among the members of the committee as to the merits of any instructional materials, any member may file an expression of his or her individual opinion.

The findings of the committees, including the evaluation of instructional materials, shall be in sessions open to the public. All decisions leading to determinations of the committees shall be by roll call vote, and at no time will a secret ballot be permitted.

Section 307. Section 1006.32, Florida Statutes, is created to read:

1006.32 Prohibited acts.--

(1) No publisher or manufacturer of instructional material, or any representative thereof, shall offer to give any emolument, money, or other valuable thing, or any inducement, to any district school board official or member of a state-level instructional materials committee to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional materials.

(2) No district school board official or member of a state instructional materials committee shall solicit or accept any emolument, money, or other valuable thing, or any inducement, to directly or indirectly introduce, recommend, vote for, or otherwise influence the adoption or purchase of any instructional material.

(3) No district school board or publisher may participate in a pilot program of materials being considered for adoption during the 18-month period before the official adoption of the materials by the commissioner. Any pilot program during the first 2 years of the adoption period must have the prior approval of the commissioner.

(4) Any publisher or manufacturer of instructional materials or representative thereof or any district school board official or state instructional materials committee

member, who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any representative of a publisher or manufacturer who violates any provision of this section, in addition to any other penalty, shall be banned from practicing business in the state for a period of 1 calendar year. Any district school board official or state instructional materials committee member who violates any provision of this section, in addition to any other penalty, shall be removed from his or her official position.

(5) Nothing in this section shall be construed to prevent any publisher, manufacturer, or agent from supplying, for purposes of examination, necessary sample copies of instructional materials to any district school board official or instructional materials committee member.

(6) Nothing in this section shall be construed to prevent a district school board official or instructional materials committee member from receiving sample copies of instructional materials.

(7) Nothing contained in this section shall be construed to prohibit or restrict a district school board official from receiving royalties or other compensation, other than compensation paid to him or her as commission for negotiating sales to district school boards, from the publisher or manufacturer of instructional materials written, designed, or prepared by such district school board official, and adopted by the commissioner or purchased by any district school board. No district school board official shall be allowed to receive royalties on any materials not on the state-adopted list purchased for use by his or her district school board.

(8) No district school superintendent, district school board member, teacher, or other person officially connected with the government or direction of public schools shall receive during the months actually engaged in performing duties under his or her contract any private fee, gratuity, donation, or compensation, in any manner whatsoever, for promoting the sale or exchange of any school book, map, or chart in any public school, or be an agent for the sale or the publisher of any school textbook or reference work, or be directly or indirectly pecuniarily interested in the introduction of any such textbook, and any such agency or interest shall disqualify any person so acting or interested from holding any district school board employment whatsoever, and the person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; provided that this subsection shall not be construed as preventing the adoption of any book written in whole or in part by a Florida author.

Section 308. Section 1006.33, Florida Statutes, is created to read:

1006.33 Bids or proposals; advertisement and its contents.--

(1)(a) Beginning on or before May 15 of any year in which an instructional materials adoption is to be initiated, the department shall advertise in the Florida Administrative Weekly 4 weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15, sealed bids or proposals to be deposited with the department will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1

following the adoption.

(b) The advertisement shall state that each bidder shall furnish specimen copies of all instructional materials submitted, at a time designated by the department, which specimen copies shall be identical with the copies approved and accepted by the members of the state instructional materials committee, as prescribed in this section, and with the copies furnished to the department and district school superintendents, as provided in this part.

(c) The advertisement shall state that a contract covering the adoption of the instructional materials shall be for a definite term.

(d) The advertisement shall fix the time within which the required contract must be executed and shall state that the department reserves the right to reject any or all bids.

(e) The advertisement shall give information as to how specifications which have been adopted by the department in regard to paper, binding, cover boards, and mechanical makeup can be secured. In adopting specifications, the department shall make an exception for instructional materials that are college-level texts and that do not meet department physical specifications for secondary materials, if the publisher guarantees replacement during the term of the contract.

(2) The bids submitted shall be for furnishing the designated materials in accordance with specifications of the department. The bid shall state the lowest wholesale price at which the materials will be furnished, at the time the adoption period provided in the contract begins, delivered f.o.b. to the Florida depository of the publisher, manufacturer, or bidder.

(3) The department shall require each publisher or

manufacturer of instructional materials who submits a bid under this part to deposit with the department such sum of money or certified check as may be determined by the department, the amount to be not less than $500 and not more than $2,500, according to the number of instructional materials covered by the bid, which deposit shall be forfeited to the state and placed in the General Revenue Fund if the bidder making the deposit fails or refuses to execute the contract and bond within 30 days after receipt of the contract in case his or her bid or proposal is accepted. The commissioner shall, upon determining that the deposit is correct and proper, transmit the deposit to the Treasurer, who shall deposit the funds for credit to the Textbook Bid Trust Fund and issue his or her official receipt.

(4) Specimen copies of all instructional materials that have been made the bases of contracts under this part shall, upon request for the purpose of public inspection, be made available by the publisher to the department and the district school superintendent of each district school board that adopts the instructional materials from the state list upon request for the purpose of public inspection. All contracts and bonds executed under this part shall be signed in triplicate. One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after termination of the contract.

Section 309. Section 1006.34, Florida Statutes, is created to read:

1006.34 Powers and duties of the commissioner and the department in selecting and adopting instructional materials.--

Amendment No. ___ (for drafter's use only)

(1) PROCEDURES FOR EVALUATING INSTRUCTIONAL MATERIALS.--The commissioner shall prescribe the procedures by which the department shall evaluate instructional materials submitted by publishers and manufacturers in each adoption. Included in these procedures shall be provisions which afford each publisher or manufacturer or his or her representative an opportunity to present to members of the state instructional materials committees the merits of each instructional material submitted in each adoption.

(2) SELECTION AND ADOPTION OF INSTRUCTIONAL MATERIALS.--

(a) The department shall notify all publishers and manufacturers of instructional materials who have submitted bids that within 3 weeks after the deadline for receiving bids, at a designated time and place, it will open the bids submitted and deposited with it. At the time and place designated, the bids shall be opened, read, and tabulated in the presence of the bidders or their representatives. No one may revise his or her bid after the bids have been filed. When all bids have been carefully considered, the commissioner shall, from the list of suitable, usable, and desirable instructional materials reported by the state instructional materials committee, select and adopt instructional materials for each grade and subject field in the curriculum of public elementary, middle, and high schools in which adoptions are made and in the subject areas designated in the advertisement. The adoption shall continue for the period specified in the advertisement, beginning on the ensuing April 1. The adoption shall not prevent the extension of a contract as provided in subsection (3). The commissioner shall always reserve the right to reject any and all bids. The commissioner may ask for

new sealed bids from publishers or manufacturers whose instructional materials were recommended by the state instructional materials committee as suitable, usable, and desirable; specify the dates for filing such bids and the date on which they shall be opened; and proceed in all matters regarding the opening of bids and the awarding of contracts as required by this part. In all cases, bids shall be accompanied by a cash deposit or certified check of from $500 to $2,500, as the commissioner may direct. The department, in adopting instructional materials, shall give due consideration both to the prices bid for furnishing instructional materials and to the report and recommendations of the state instructional materials committee. When the commissioner has finished with the report of the state instructional materials committee, the report shall be filed and preserved with the department and shall be available at all times for public inspection.

(b) 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:

1. The age of the students who normally could be expected to have access to the material.

2. 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 school board performance standards provided for in s. 1001.03(1) and which include the instructional objectives contained within the curriculum frameworks approved by rule of the State Board of Education.

3. The degree to which the material would be

supplemented and explained by mature classroom instruction as part of a normal classroom instructional program.

4. The consideration of the broad racial, ethnic, socioeconomic, and cultural diversity of the students of this state.

No book or other material containing hard-core pornography or otherwise prohibited by s. 847.012 shall be used or available within any public school district.

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS; BOND.--As soon as practicable after the commissioner has adopted any instructional materials and all bidders that have secured the adoption of any instructional materials have been notified thereof by registered letter, the Department of Legal Affairs shall prepare a contract in proper form with every bidder awarded the adoption of any instructional materials. Each contract shall be executed by the Governor and Secretary of State under the seal of the state, one copy to be kept by the contractor, one copy to be filed with the Department of State, and one copy to be filed with the department. After giving due consideration to comments by the district school boards, the commissioner, with the agreement of the publisher, may extend or shorten a contract period for a period not to exceed 2 years; and the terms of any such contract shall remain the same as in the original contract. Any publisher or manufacturer to whom any contract is let under this part must give bond in such amount as the commissioner requires, payable to the state, conditioned for the faithful, honest, and exact performance of the contract. The bond must provide for the payment of reasonable attorney's fees in case of recovery in any suit thereon. The surety on the bond must be a guaranty or

surety company lawfully authorized to do business in the state; however, the bond shall not be exhausted by a single recovery but may be sued upon from time to time until the full amount thereof is recovered, and the department may at any time, after giving 30 days' notice, require additional security or additional bond. The form of any bond or bonds or contract or contracts under this part shall be prepared and approved by the Department of Legal Affairs. At the discretion of the commissioner, a publisher or manufacturer to whom any contract is let under this part may be allowed a cash deposit in lieu of a bond, conditioned for the faithful, honest, and exact performance of the contract. The cash deposit, payable to the department, shall be placed in the Textbook Bid Trust Fund. The department may recover damages on the cash deposit given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(4) REGULATIONS GOVERNING THE CONTRACT.--The department may, from time to time, take any necessary actions, consistent with this part, to secure the prompt and faithful performance of all instructional materials contracts; and if any contractor fails or refuses to furnish instructional materials as provided in this part or otherwise breaks his or her contract, the department may sue on the required bond in the name of the state, in the courts of the state having jurisdiction, and recover damages on the bond given by the contractor for failure to furnish instructional materials, the sum recovered to inure to the General Revenue Fund.

(5) RETURN OF DEPOSITS.--

(a) The successful bidder shall be notified by registered mail of the award of contract and shall, within 30

days after receipt of the contract, execute the proper contract and post the required bond. When the bond and contract have been executed, the department shall notify the Comptroller and request that a warrant be issued against the Textbook Bid Trust Fund payable to the successful bidder in the amount deposited pursuant to this part. The Comptroller shall issue and forward the warrant to the department for distribution to the bidder.

(b) At the same time or prior thereto, the department shall inform the Comptroller of the names of the unsuccessful bidders. Upon receipt of such notice, the Comptroller shall issue warrants against the Textbook Bid Trust Fund payable to the unsuccessful bidders in the amounts deposited pursuant to this part and shall forward the warrants to the department for distribution to the unsuccessful bidders.

(c) One copy of each contract and an original of each bid, whether accepted or rejected, shall be preserved with the department for at least 3 years after the termination of the contract.

(6) DEPOSITS FORFEITED.--If any successful bidder fails or refuses to execute contract and bond within 30 days after receipt of the contract, the cash deposit shall be forfeited to the state and placed by the Treasurer in the General Revenue Fund.

(7) FORFEITURE OF CONTRACT AND BOND.--If any publisher or manufacturer of instructional materials fails or refuses to furnish a book, or books, or other instructional materials as provided in the contract, his or her bond is forfeited and the department shall make another contract on such terms as it may find desirable, after giving due consideration to the recommendations of the commissioner.

Section 310. Section 1006.35, Florida Statutes, is created to read:

1006.35 Accuracy of instructional materials.--

(1) In addition to relying on statements of publishers or manufacturers of instructional materials, the commissioner may conduct or cause to be conducted an independent investigation to determine the accuracy of state-adopted instructional materials.

(2) When errors in state-adopted materials are confirmed, the publisher of the materials shall provide to each district school board that has purchased the materials the corrections in a format approved by the commissioner.

(3) The commissioner may remove materials from the list of state-adopted materials if he or she finds that the content is in error and the publisher refuses to correct the error when notified by the department.

(4) The commissioner may remove materials from the list of state-adopted materials at the request of the publisher if, in his or her opinion, there is no material impact on the state's education goals.

Section 311. Section 1006.36, Florida Statutes, is created to read:

1006.36 Term of adoption for instructional materials.--

(1) The term of adoption of any instructional materials must be a 6-year period beginning on April 1 following the adoption, except that the commissioner may approve terms of adoption of less than 6 years for materials in content areas which require more frequent revision. Any contract for instructional materials may be extended as prescribed in s. 1006.34(3).

(2) 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 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 and make them available to publishers as soon as practicable 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 312. Section 1006.37, Florida Statutes, is created to read:

1006.37 Requisition of instructional materials from publisher's depository.--

(1) The district school superintendent shall requisition adopted instructional materials from the depository of the publisher with whom a contract has been made. However, the superintendent shall requisition current instructional materials to provide each student with a textbook or other materials as a major tool of instruction in core courses of the subject areas specified in s. 1006.40(2). These materials must be requisitioned within the first 2 years of the adoption cycle, except for instructional materials related to growth of student membership or instructional materials maintenance needs. The superintendent may requisition instructional materials in the core subject areas specified in s. 1006.40(2) that are related to growth of student membership or instructional materials maintenance

needs during the 3rd, 4th, 5th, and 6th years of the original contract period.

(2) The district school superintendent shall verify that the requisition is complete and accurate and order the depository to forward to him or her the adopted instructional materials shown by the requisition. The depository shall prepare an invoice of the materials shipped, including shipping charges, and mail it to the superintendent to whom the shipment is being made. The superintendent shall pay the depository within 60 days after receipt of the requisitioned materials from the appropriation for the purchase of adopted instructional materials.

Section 313. Section 1006.38, Florida Statutes, is created to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.--Publishers and manufacturers of instructional materials, or their representatives, shall:

(1) Comply with all provisions of this part.

(2) Deliver fully developed specimen copies of all instructional materials upon which bids are based to each member of a state instructional materials committee. At the conclusion of the review process, manufacturers submitting samples of instructional materials are entitled to the return thereof, at the expense of the manufacturers; or, in the alternative, the manufacturers are entitled to reimbursement by the individual committee members for the retail value of the samples.

(3) Submit, at a time designated in s. 1006.33, the following information:

(a) Detailed specifications of the physical

characteristics of the instructional materials. The publisher or manufacturer shall comply with these specifications if the instructional materials are adopted and purchased in completed form.

(b) Written proof that the publisher has provided written correlations to appropriate curricular objectives included within applicable performance standards provided for in s. 1001.03(1).

(4) Make available for purchase by any district school board any diagnostic, criterion-referenced, or other tests that they may develop.

(5) Furnish the instructional materials offered by them at a price in the state which, including all costs of transportation to their depositories, shall not exceed the lowest price at which they offer such instructional materials for adoption or sale to any state or school district in the United States.

(6) Reduce automatically the price of the instructional materials to any district school board to the extent that reductions are made elsewhere in the United States.

(7) Provide any instructional materials free of charge in the state to the same extent as they are provided free of charge to any state or school district in the United States.

(8) Guarantee that all copies of any instructional materials sold in this state will be at least equal in quality to the copies of such instructional materials that are sold elsewhere in the United States and will be kept revised, free from all errors, and up-to-date as may be required by the department.

(9) Agree that any supplementary material developed at

the district or state level does not violate the author's or publisher's copyright, provided such material is developed in accordance with the doctrine of fair use.

(10) Not in any way, directly or indirectly, become associated or connected with any combination in restraint of trade in instructional materials, nor enter into any understanding, agreement, or combination to control prices or restrict competition in the sale of instructional materials for use in the state.

(11) Maintain or contract with a depository in the state.

(12) For the core subject areas specified in s. 1006.40(2), maintain in the depository for the first 2 years of the contract an inventory of instructional materials sufficient to receive and fill orders.

(13) For the core subject areas specified in s. 1006.40(2), ensure the availability of an inventory sufficient to receive and fill orders for instructional materials for growth, including the opening of a new school, and replacement during the 3rd and subsequent years of the original contract period.

(14) For all other subject areas, maintain in the depository an inventory of instructional materials sufficient to receive and fill orders.

(15) Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (17), the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(16) Grant, without prior written request, for any copyright held by the publisher or its agencies automatic permission to the department or its agencies for the reproduction of textbooks and supplementary materials in braille or large print or in the form of sound recordings, for use by visually impaired students or other students with disabilities that would benefit from use of the materials.

(17) Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of 3 times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections (5) and (6) and in the amount of 3 times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (7).

Section 314. Section 1006.39, Florida Statutes, is created to read:

1006.39 Production and dissemination of educational materials and products by department.--

(1) Educational materials and products developed by or under the direction of the department, through research and development or other efforts, including those subject to copyright, patent, or trademark, shall be made available for use by teachers, students, administrators, and other appropriate persons in the state system of education at the earliest practicable date and in the most economical and efficient manner possible.

(2) To accomplish this objective the department may publish, produce, or have produced educational materials and products and make them readily available for appropriate use in the state system of education. The department may charge

an amount adequate to cover the essential cost of producing and disseminating such materials and products in the state system of education and may sell copies for educational use to private schools in the state and to the public.

(3) All proceeds from the sale of educational materials and products shall be remitted to the Treasurer and shall be kept in a separate fund to be known as the "Educational Media and Technology Trust Fund" and, when properly budgeted as approved by the Legislature and the Executive Office of the Governor, used to pay the cost of producing and disseminating educational materials and products.

(4) In cases in which the educational materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the department to produce or have produced materials and products so developed, it may, after review and approval by the Department of State, license, lease, assign, sell, or otherwise give written consent to any person, firm or corporation for the manufacture or use thereof, on a royalty basis, or for such other consideration as the department finds proper and in the best interest of the state. The department shall protect educational materials and products against improper or unlawful use or infringement and enforce the collection of any sums due for the manufacture or use thereof by any other party.

(5) The department shall not enter into the business of producing or publishing textbooks, or the contents therein, for general use in classrooms.

Section 315. Section 1006.40, Florida Statutes, is created to read:

1006.40 Use of instructional materials allocation; instructional materials, library books, and reference books; repair of books.--

(1) On or before July 1 each year, the commissioner shall certify to each district school superintendent the estimated allocation of state funds for instructional materials, computed pursuant to the provisions of s. 1011.67 for the ensuing fiscal year.

(2)(a) Each district school board must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. Such purchase must be made within the first 2 years of the effective date of the adoption cycle. Unless specifically provided for in the General Appropriations Act, the cost of instructional materials purchases required by this paragraph shall not exceed the amount of the district's allocation for instructional materials, pursuant to s. 1011.67, for the previous 2 years.

(b) The requirement in paragraph (a) does not apply to contracts in existence before April 1, 2000, or to a purchase related to growth of student membership in the district or for instructional materials maintenance needs.

(3)(a) Each district school board shall use the annual allocation for the purchase of instructional materials included on the state-adopted list, except as otherwise authorized in paragraphs (b) and (c). No less than 50 percent of the annual allocation shall be used to purchase items which will be used to provide instruction to students at the level

1 or levels for which the materials are designed.
2 (b) Up to 50 percent of the annual allocation may be
3 used for the purchase of instructional materials, including
4 library and reference books and nonprint materials, not
5 included on the state-adopted list and for the repair and
6 renovation of textbooks and library books.
7 (c) District school boards may use 100 percent of that
8 portion of the annual allocation designated for the purchase
9 of instructional materials for kindergarten, and 75 percent of
10 that portion of the annual allocation designated for the
11 purchase of instructional materials for first grade, to
12 purchase materials not on the state-adopted list.
13 (4) The funds described in subsection (3) which
14 district school boards may use to purchase materials not on
15 the state-adopted list shall be used for the purchase of
16 instructional materials or other items having intellectual
17 content which assist in the instruction of a subject or
18 course. These items may be available in bound, unbound, kit,
19 or package form and may consist of hardbacked or softbacked
20 textbooks, replacements for items which were part of
21 previously purchased instructional materials, consumables,
22 learning laboratories, manipulatives, electronic media,
23 computer courseware or software, and other commonly accepted
24 instructional tools as prescribed by district school board
25 rule. The funds available to district school boards for the
26 purchase of materials not on the state-adopted list may not be
27 used to purchase electronic or computer hardware even if such
28 hardware is bundled with software or other electronic media,
29 nor may such funds be used to purchase equipment or supplies.
30 However, when authorized to do so in the General
31 Appropriations Act, a school or district school board may use

a portion of the funds available to it for the purchase of materials not on the state-adopted list to purchase science laboratory materials and supplies.

(5) Each district school board shall adopt rules, and each district school superintendent shall implement procedures, that will assure the maximum use by the students of the authorized instructional materials.

(6) District school boards may issue purchase orders subsequent to February 1 in an aggregate amount which does not exceed 20 percent of the current year's allocation, and subsequent to April 1 in an aggregate amount which does not exceed 90 percent of the current year's allocation, for the purpose of expediting the delivery of instructional materials which are to be paid for from the ensuing year's allocation.

(7) In any year in which the total instructional materials allocation for a school district has not been expended or obligated prior to June 30, the district school board shall carry forward the unobligated amount and shall add it to the next year's allocation.

Section 316. Section 1006.41, Florida Statutes, is created to read:

1006.41 Disposal of instructional materials.--

(1) Instructional materials that have become unserviceable or surplus or are no longer on state contract may be disposed of, under adopted rule of the district school board, by:

(a) Giving or lending the materials to other public education programs within the district or state, to the teachers to use in developing supplementary teaching materials, to students or others, or to any charitable organization, governmental agency, home education students,

private school, or state.

(b) Selling the materials to used book dealers, recycling plants, pulp mills, or other persons, firms, or corporations upon such terms as are most economically advantageous to the district school board.

(2) The district school board may prescribe by rule the manner for destroying instructional materials that cannot be disposed of as provided in subsection (1).

(3) All moneys received for the sale, exchange, or other disposition of instructional materials shall be deposited in the district school fund and added to the district appropriation for instructional materials.

(4) Instructional materials which have been sold, exchanged, lost, destroyed, or damaged and for which proper charges have been assessed and collected, and instructional materials which have been destroyed by fire or storm damage or by order of a competent health officer or the district school superintendent, shall be dropped from the record of instructional materials for which, as provided by law, district school boards are held responsible.

Section 317. Section 1006.42, Florida Statutes, is created to read:

1006.42 Responsibility of students and parents for instructional materials.--

(1) All instructional materials purchased under the provisions of this part are the property of the district school board. When distributed to the students, these instructional materials are on loan to the students while they are pursuing their courses of study and are to be returned at the direction of the school principal or the teacher in charge. Each parent of a student to whom or for whom

instructional materials have been issued, is liable for any loss or destruction of, or unnecessary damage to, the instructional materials or for failure of the student to return the instructional materials when directed by the school principal or the teacher in charge, and shall pay for such loss, destruction, or unnecessary damage as provided by law.

(2) Nothing in this part shall be construed to prohibit parents from exercising their right to purchase instructional materials from the district school board.

Section 318. Section 1006.43, Florida Statutes, is created to read:

1006.43 Expenses; budget request.--

(1) The commissioner shall include in the department's annual legislative budget a request for funds in an amount sufficient to provide the necessary expense for:

(a) The instructional materials committees.

(b) Instructional materials for use by partially sighted students.

(c) Other specific and necessary state expenses with regard to the instructional materials program.

(2) The department may arrange for distribution adopted textbooks which are prepared in various media for the use of partially sighted children enrolled in the Florida schools.

Section 319. Part II of chapter 1006, Florida Statutes, shall be entitled "Public Postsecondary Education Support for Learning and Student Services" and shall consist of ss. 1006.50-1006.71.

Section 320. Section 1006.50, Florida Statutes, is created to read:

1006.50 Student handbooks.--

(1) Each community college and state university shall compile and update annually a student handbook that includes, but is not limited to, a comprehensive calendar that emphasizes important dates and deadlines, student rights and responsibilities, appeals processes available to students, and a roster of contact persons within the administrative staff available to respond to student inquiries.

(2) Each student handbook shall list the legal and institution-specific sanctions that will be imposed upon students who violate the law or institutional policies regarding controlled substances and alcoholic beverages.

(3) Each student handbook shall provide information related to acquired immune deficiency syndrome (AIDS) education or identify sites from which AIDS education information may be obtained.

Section 321. Section 1006.51, Florida Statutes, is created to read:

1006.51 Student ombudsman office.--

(1) There is created at each community college and state university a student ombudsman office, which is accountable to the president.

(2) Each institution must have an established procedure by which a student may appeal to the office of the ombudsman a decision that is related to the student's access to courses and credit granted toward the degree. Detailed information concerning this procedure must be included in the institution's catalog.

(3) Each community college and state university shall develop minimum standards for the role of ombudsman or student advocate. The standards shall address the issue of notification of students of opportunities for assistance or

appeal.

Section 322. Section 1006.52, Florida Statutes, is created to read:

1006.52 Student records.--

(1) Each university may prescribe the content and custody of records and reports which the university may maintain on its students. Such records are confidential and exempt from the provisions of s. 119.07(1) and are open to inspection only as provided in s. 1002.22.

(2) Rules of the State Board of Education may prescribe the content and custody of records and reports which a community college may maintain on its students. Such records are confidential and exempt from s. 119.07(1) and are open to inspection only as provided in s. 1002.22.

Section 323. Section 1006.53, Florida Statutes, is created to read:

1006.53 Religious observances.--Each public postsecondary educational institution shall adopt a policy in accordance with rules of the State Board of Education which reasonably accommodates the religious observance, practice, and belief of individual students in regard to admissions, class attendance, and the scheduling of examinations and work assignments. Each policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied an educational benefit due to his or her religious belief or practices may seek redress. Such policy shall be made known to faculty and students annually in inclusion in the institution's handbook, manual, or other similar document regularly provided to faculty and students.

Section 324. Section 1006.54, Florida Statutes, is created to read:

1 1006.54 Universities; public documents distributed to
2 libraries.--The general library of each state university may
3 receive copies of reports of state officials, departments, and
4 institutions and all other state documents published by the
5 state. Each officer of the state empowered by law to
6 distribute such public documents may transmit without charge,
7 except for payment of shipping costs, the number of copies of
8 each public document desired upon requisition from the
9 librarian. It is the duty of the library to keep public
10 documents in a convenient form accessible to the public. The
11 library, under rules formulated by the university board of
12 trustees, is authorized to exchange documents for those of
13 other states, territories, and countries.
14 Section 325. Section 1006.55, Florida Statutes, is
15 created to read:
16 1006.55 Law libraries of certain institutions of
17 higher learning designated as state legal depositories.--
18 (1) The law libraries of the University of Florida,
19 Florida State University, Florida International University,
20 Florida Agricultural and Mechanical University, Stetson
21 University, Nova University, and the University of Miami are
22 designated as state legal depositories.
23 (2) Each officer of the state empowered by law to
24 distribute legal publications may transmit, upon payment of
25 shipping costs or cash on delivery, to the state legal
26 depositories copies of such publications as requested.
27 However, the number of copies transmitted shall be limited to:
28 (a) Eight copies of each volume of General Acts and
29 each volume of Special Acts to each of the state legal
30 depositories;
31 (b) Up to a maximum number of each volume of the

Florida Statutes and each supplement volume, computed on the basis of one set for every 10 students enrolled during the school year, based upon the average enrollment as certified by the registrar; and

(c) One copy of each journal of the House of Representatives and each journal of the Senate to each state legal depository.

(3) It is the duty of the librarian of any depository to keep all public documents in a convenient form accessible to the public.

(4) The libraries of all community colleges are designated as state depositories for the Florida Statutes and supplements published by or under the authority of the state; these depositories each may receive upon request one copy of each volume without charge, except for payment of shipping costs.

Section 326. Section 1006.56, Florida Statutes, is created to read:

1006.56 Specified university publications; activities; trust funds.--

(1) Subject to the approval of the appropriate university, the Florida Law Review, the Florida State University Law Review, the Florida State University Journal of Land Use and Environmental Law, the University of Florida Journal of Law and Public Policy, and the Florida International Law Journal of the University of Florida are authorized to engage in the following activities relating to their respective publications, notwithstanding the contrary provision of any statute, rule, or regulation of the state or its subdivisions or agencies:

(a) The grant of reprint rights relating to any or all

1 issues of the Florida Law Review, the Florida State University
2 Law Review, the Florida State University Journal of Land Use
3 and Environmental Law, the University of Florida Journal of
4 Law and Public Policy, or the Florida International Law
5 Journal of the University of Florida, or any of the materials,
6 articles, or ideas contained therein;
7 (b) The sale for adequate consideration of any or all
8 past or future stock and inventory of published issues of the
9 Florida Law Review, the Florida State University Law Review,
10 the Florida State University Journal of Land Use and
11 Environmental Law, the University of Florida Journal of Law
12 and Public Policy, or the Florida International Law Journal of
13 the University of Florida, or portions thereof; and
14 (c) The retention of the proceeds obtained under
15 paragraph (a) or paragraph (b) together with all moneys
16 received by the Florida Law Review or the Florida State
17 University Law Review from current or future subscriptions,
18 sale of individual issues, sale of advertising, binding
19 service, royalties, donations, and all other sources except
20 direct or indirect appropriations from the state, its
21 subdivisions, or agencies.
22 (2) Moneys retained by the Florida Law Review pursuant
23 to this section shall be placed in a trust fund to be known as
24 the Florida Law Review Trust Fund. Moneys retained by the
25 Florida State University Law Review pursuant to this section
26 shall be placed in a trust fund to be known as the Florida
27 State University Law Review Trust Fund. Moneys retained by the
28 Florida State University Journal of Land Use and Environmental
29 Law pursuant to this section shall be placed in a trust fund
30 to be known as the Florida State University Journal of Land
31 Use and Environmental Law Trust Fund. Moneys retained by the

University of Florida Journal of Law and Public Policy pursuant to this section shall be placed in a trust fund to be known as the University of Florida Journal of Law and Public Policy Trust Fund. Moneys retained by the Florida International Law Journal of the University of Florida pursuant to this section shall be placed in a trust fund to be known as the Florida International Law Journal of the University of Florida Trust Fund. Such trust funds shall be used to pay or supplement the payment of printing costs or other costs incident to the publication of the respective law reviews and law journals and shall be administered by the dean of each college of law or his or her faculty designee.

(3) Printing of such publications shall be let upon contract to the lowest responsive bidder, in accordance with s. 283.33, except when the additional costs incurred in changing from the current printer to the new low bidder exceed the savings reflected in the bid prices. Such additional costs shall not exceed 10 percent of the lowest bid price.

Section 327. Section 1006.57, Florida Statutes, is created to read:

1006.57 Certain books furnished by Clerk of Supreme Court.--

(1) The Clerk of the Supreme Court of the state shall furnish the State Board of Education three bound copies of each volume of the Florida Supreme Court Reports as the same are issued and published for the use of the schools of law of the University of Florida, the Florida State University, Florida International University, and Florida Agricultural and Mechanical University.

(2) The Clerk of the Supreme Court shall transmit to said schools of law any law books coming into his or her

possession for the Supreme Court which are not necessary for said court. The clerk of said court shall furnish said Supreme Court Reports and said surplus law books without cost to said law schools.

Section 328. Section 1006.58, Florida Statutes, is created to read:

1006.58 Collections management for museums and galleries of state universities.--

(1) State universities may enter into contracts or agreements with or without competitive bidding, as appropriate, for the restoration of objects of art, art history, or natural history in their collections or for the purchase of objects of art, art history, or natural history which are to be added to their collections.

(2) State universities may sell any art, art history, or natural history object in their museum or gallery collections if the university determines that it is no longer appropriate for the collection. The proceeds of the sale shall be deposited in the Acquisition, Restoration, and Conservation Trust Fund or other appropriate trust fund of the university. Each state university museum or gallery shall function entirely separate from every state university museum or gallery. State universities also may exchange any art, art history, or natural history object which the university museums or galleries judge is of equivalent or greater value to their museums or galleries.

(3) No employee, representative, or agent of a university shall receive a commission, fee, or financial benefit in connection with the sale or exchange of a work of art, art history, or natural history, nor may he or she be a business associate of any individual, firm, or organization

involved in the sale or exchange.

(4)(a) Each university may establish an Acquisition, Restoration, and Conservation Trust Fund or utilize an appropriate existing trust fund.

(b) The president of each university may delegate the following authority to the museum or gallery directors and governing bodies of the museums or galleries:

1. To enter into contracts for the restoration or purchase of art, art history, or natural history objects, with or without competitive bidding, as appropriate.

2. To sell art, art history, or natural history objects in museum or gallery collections, the proceeds of which shall be deposited in the Acquisition, Restoration, and Conservation Trust Fund or other appropriate existing trust fund.

3. To exchange art, art history, or natural history objects of equal or greater value with any other state university.

Section 329. Section 1006.59, Florida Statutes, is created to read:

1006.59 The Historically Black College and University Library Improvement Program.--

(1) It is the intent of the Legislature to enhance the quality of the libraries at Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, and Florida Memorial College.

(2) There is created the Historically Black College and University Library Improvement Program to be administered by the Department of Education. The primary objectives of the program shall be to increase each library's holdings by 500 to 1,000 books per year, to increase library use by students and

faculty, and to enhance the professional growth of librarians by providing inservice training. At least 50 percent of library acquisitions shall be in the humanities, with the balance to be in all other disciplines. It is the intent of the Legislature to provide general revenue funds each year to support this program.

(3) Each institution shall submit to the State Board of Education a plan for enhancing its library through the following activities:

(a) Each institution shall increase the number of volumes by purchasing replacement books and new titles. Funds shall not be used to purchase periodicals or nonprint media. The goal of these purchases is to meet the needs of students and faculty in disciplines that have recently been added to the curriculum, in traditional academic fields that have been expanded, or in academic fields in which rapid changes in technology result in accelerated obsolescence of related library holdings.

(b) A committee composed of librarians and faculty at each institution shall assess the adequacy of library holdings in all academic areas. The committee shall develop a list of resources that need to be replaced. Based on its assessment of the current collection, the committee shall develop a prioritized list of recommended acquisitions and shall submit such list to the college or university president.

Section 330. Section 1006.60, Florida Statutes, is created to read:

1006.60 Codes of conduct; disciplinary measures; rulemaking authority.--

(1) Each community college and state university may adopt, by rule, codes of conduct and appropriate penalties for

violations of rules by students, to be administered by the institution. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; fines; withholding of diplomas or transcripts pending compliance with rules, completion of any student judicial process or sanction, or payment of fines; restrictions on the use of or removal from campus facilities; community service; educational requirements; and the imposition of probation, suspension, dismissal, or expulsion.

(2) Each community college and state university may adopt, by rule, a code of conduct and appropriate penalties for violations of rules by student organizations, to be administered by the institution. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; suspension, cancellation, or revocation of the registration or official recognition of a student organization; and restrictions on the use of, or removal from, campus facilities.

(3) Sanctions authorized by such codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the institution, including rules adopted under this section, rules of the State Board of Education, county and municipal ordinances, and the laws of this state, the United States, or any other state.

(4) Each community college and state university may establish and adopt, by rule, codes of appropriate penalties for violations of rules governing student academic honesty. Such penalties, unless otherwise provided by law, may include: reprimand; reduction of grade; denial of academic credit; invalidation of university credit or of the degree based upon such credit; probation; suspension; dismissal; or expulsion.

In addition to any other penalties that may be imposed, an individual may be denied admission or further registration, and the institution may invalidate academic credit for work done by a student and may invalidate or revoke the degree based upon such credit if it is determined that the student has made false, fraudulent, or incomplete statements in the application, residence affidavit, or accompanying documents or statements in connection with, or supplemental to, the application for admission to or graduation from the institution.

(5) Each community college and state university shall adopt rules for the lawful discipline of any student who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of the institution. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 331. Section 1006.61, Florida Statutes, is created to read:

1006.61 Participation by students in disruptive activities at public postsecondary educational institution; penalties.--

(1) Any person who accepts the privilege extended by the laws of this state of attendance at any public postsecondary educational institution shall, by attending such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

(2) After it has been determined that a student of a state institution of higher learning has participated in

disruptive activities, such student may be immediately expelled from the institution for a minimum of 2 years.

Section 332. Section 1006.62, Florida Statutes, is created to read:

1006.62 Expulsion and discipline of students of community colleges and state universities.--

(1) Each student in a community college or state university is subject to federal and state law, respective county and municipal ordinances, and all rules and regulations of the State Board of Education or board of trustees of the institution.

(2) Violation of these published laws, ordinances, or rules and regulations may subject the violator to appropriate action by the institution's authorities.

(3) Each president of a community college or state university may, after notice to the student of the charges and after a hearing thereon, to expel, suspend, or otherwise discipline any student who is found to have violated any law, ordinance, or rule or regulation of the State Board of Education or of the board of trustees of the institution. A student may be entitled to waiver of expulsion:

(a) If the student provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals or of any other person engaged in violations of chapter 893 within a state university or community college;

(b) If the student voluntarily discloses his or her violations of chapter 893 prior to his or her arrest; or

(c) If the student commits himself or herself, or is referred by the court in lieu of sentence, to a state-licensed drug abuse program and successfully completes the program.

Amendment No. ___ (for drafter's use only)

Section 333. Section 1006.63, Florida Statutes, is created to read:

1006.63 Hazing prohibited.--

(1) As used in this section, "hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. Such term includes, but is not limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity which could adversely affect the physical health or safety of the student, and also includes any activity which would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or other forced activity which could adversely affect the mental health or dignity of the student.

(2) Public and nonpublic postsecondary educational institutions whose students receive state student financial assistance must adopt a written antihazing policy and under such policy must adopt rules prohibiting students or other persons associated with any student organization from engaging in hazing.

(3) Public and nonpublic postsecondary educational institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such

organizations.

(a) Such penalties at community colleges and state universities may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

(b) In the case of an organization at a community college or state university which authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

(c) All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other rule of the institution to which the violator may be subject.

(4) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(5) Upon approval of the antihazing policy of a community college or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

Section 334. Section 1006.64, Florida Statutes, is created to read:

1006.64 Suspension and removal from office of elected

student government officials; referendum.--The student government association of each community college and state university shall establish a process to provide for the removal from office of any elected student government official who has been convicted of a violation of criminal law or has been found civilly liable for an act of moral turpitude, after all available rights of judicial appeal have been exercised or waived or have expired. The process shall include a procedure for the immediate suspension of the student government official from elected office following the conviction or civil finding and during any appeal, and shall provide for the temporary successor to the subject office pending completion of any appeal. The process must also include a procedure for registered students to petition for a referendum recommending to the student government association the removal of a student official from elected office. The referendum must be held within 60 days of filing of the petition. The recommendation to remove the subject official from elected office shall be made by majority vote of the students participating in the referendum. The action of a student government association under this section shall be subject to an appeal to the university or community college president or designee.

Section 335. Section 1006.65, Florida Statutes, is created to read:

1006.65 Safety issues in courses offered by public postsecondary educational institutions.--

(1) The State Board of Education shall adopt rules to ensure that policies and procedures are in place to protect the health and safety of students, instructional personnel, and visitors who participate in courses offered by a public postsecondary educational institution.

(2) Such policies and procedures shall be guided by industry standards for practices in the course content area and shall conform with all related and relevant state and federal health and safety requirements.

Section 336. Section 1006.66, Florida Statutes, is created to read:

1006.66 Regulation of traffic at universities.--

(1) As defined under this section:

(a) "Traffic," when used as a noun, means the use or occupancy of, and the movement in, on, or over, streets, ways, walks, roads, alleys, and parking areas by vehicles, pedestrians, or ridden or herded animals.

(b) "Adjacent municipality" means a municipality which is contiguous or adjacent to, or which contains within its boundaries all or part of the grounds of, a university; except that, if the grounds of a university are not within or contiguous to a municipality, "adjacent municipality" means the county seat of the county which contains within its boundaries all or part of the grounds of the university.

(c) "Grounds" includes all of the campus and grounds of the university, whether it be the campus proper or outlying or noncontiguous land of the university within the county.

(d) "Law enforcement officers" include municipal police, patrol officers, traffic officers, sheriffs, deputies, highway patrol officers, and county traffic officers assigned to duty on the grounds of the university; campus police, traffic officers, guards, parking patrollers, and other noncommissioned personnel designated for traffic purposes by the university; and other law enforcement officers as defined in s. 943.10(1).

(e) "University traffic infraction" means a

noncriminal violation of university parking and traffic rules which is not included under s. 318.14 or s. 318.17 or any municipal ordinance, which is not punishable by incarceration, and for which there is no right to trial by jury or to court-appointed counsel.

(f) "Traffic authority" means an individual or a group of individuals at each university, authorized and appointed by the president of the university to adjudicate university traffic infractions.

(2) Each university board of trustees shall adopt rules that govern traffic on the grounds of the university; that provide penalties for the infraction of such traffic rules; and that the university finds necessary, convenient, or advisable for the safety or welfare of the students, faculty members, or other persons. Copies of the rules shall be posted at the university on public bulletin boards where notices are customarily posted, filed with the city clerk or corresponding municipal or county officer, and made available to any person requesting same. When adopted, the rules shall be enforceable as herein provided. All ordinances of the adjacent municipality relating to traffic that are not in conflict or inconsistent with the traffic rules adopted by the individual university shall extend and be applicable to the grounds of the university. The provisions of chapter 316 shall extend and be applicable to the grounds of the university, and the rules adopted by the individual university shall not conflict with any section of that chapter.

(3) Any person who violates any of those rules adopted by the individual institution shall be deemed to have committed a university traffic infraction and shall be fined or penalized as provided by the rules adopted by the

institution. Any person who violates any traffic regulation enumerated in chapter 316 shall be charged, and the cause shall proceed, in accordance with chapters 316 and 318.

(4) A person charged with a university traffic infraction shall elect the option prescribed in paragraph (a) or the option prescribed in paragraph (b). If neither option is exercised within the prescribed time by the person charged with a university traffic infraction, an additional fine or penalty may be assessed, and shall be payable, in accordance with the rules of the university.

(a) The person charged may pay the applicable infraction fine, either by mail or in person, within the time period specified in the rules of the individual university. A schedule of infraction fines applicable to each university shall be adopted by the university.

(b) The person charged may elect to appear before the university traffic authority for administrative determination pursuant to procedures enumerated in the rules of such university.

(5) Each university is authorized to approve the establishment of a university traffic authority to hear violations of traffic rules. In such cases as come before the authority, the university traffic authority shall determine whether the person is guilty or not guilty of the charge. In the case of a finding of guilt, the authority shall, in its discretion, impose an appropriate penalty pursuant to subsection (3).

(6) This section shall provide the exclusive procedures for the adjudication of university traffic infractions.

(7) Moneys collected from parking assessments and

infraction fines shall be deposited in appropriate funds and shall be used to defray the administrative and operating costs of the traffic and parking program at the institution, to provide for additional parking facilities on campus, or for student loan purposes.

Section 337. Section 1006.67, Florida Statutes, is created to read:

1006.67 Report of campus crime statistics and assessment of physical plant safety.--

(1) Each postsecondary educational institution shall prepare an annual report of campus crime statistics for submission to the Department of Education. The data for these reports may be taken from the Florida Department of Law Enforcement Annual Report. The Department of Education shall prescribe the format for institutional submission.

(2) Each postsecondary institution shall prepare a report of crime statistics as reported under subsection (1) for the most recent 3-year period. The report shall be updated annually. The institution shall give notice that this report is available upon request.

(3) The Commissioner of Education shall convey the reports required by this section to the President of the Senate and the Speaker of the House of Representatives no later than March 1 of each year.

Section 338. Section 1006.68, Florida Statutes, is created to read:

1006.68 HIV and AIDS policy.--Each community college and state university shall develop a comprehensive policy that addresses the provision of instruction, information, and activities regarding human immunodeficiency virus infection and acquired immune deficiency syndrome. Such instruction,

information, or activities shall emphasize the known modes of transmission of human immunodeficiency virus infection and acquired immune deficiency syndrome, signs and symptoms, associated risk factors, appropriate behavior and attitude change, and means used to control the spread of human immunodeficiency virus infection and acquired immune deficiency syndrome.

Section 339. Section 1006.69, Florida Statutes, is created to read:

1006.69 Vaccination against meningococcal meningitis and hepatitis B.--

(1) A postsecondary educational institution shall provide detailed information concerning the risks associated with meningococcal meningitis and hepatitis B and the availability, effectiveness, and known contraindications of any required or recommended vaccine to every student, or to the student's parent if the student is a minor, who has been accepted for admission.

(2) An individual enrolled in a postsecondary educational institution who will be residing in on-campus housing shall provide documentation of vaccinations against meningococcal meningitis and hepatitis B unless the individual, if the individual is 18 years of age or older, or the individual's parent, if the individual is a minor, declines the vaccinations by signing a separate waiver for each of these vaccines, provided by the institution, acknowledging receipt and review of the information provided.

(3) This section does not require any postsecondary educational institution to provide or pay for vaccinations against meningococcal meningitis and hepatitis B.

Section 340. Section 1006.70, Florida Statutes, is

created to read:

1006.70 Sponsorship of athletic activities similar to those for which scholarships offered; rulemaking.--

(1) If a district school board sponsors an athletic activity or sport that is similar to a sport for which a community college or state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered. This section does not affect academic requirements for participation or prevent the districts or community colleges from sponsoring activities in addition to those for which scholarships are provided.

(2) If a community college sponsors an athletic activity or sport that is similar to a sport for which a state university offers an athletic scholarship, it must sponsor the athletic activity or sport for which a scholarship is offered.

(3) Two athletic activities or sports that are similar may be offered simultaneously.

(4) If the level of participation is insufficient to warrant continuation of an athletic activity or sport, the school may offer an alternative athletic activity or sport.

(5) The State Board of Education shall adopt rules to administer this section, including rules that determine which athletic activities are similar to sports for which public postsecondary educational institutions offer scholarships.

Section 341. Section 1006.71, Florida Statutes, is created to read:

1006.71 Gender equity in intercollegiate athletics.--

(1) GENDER EQUITY PLAN.--

(a) Each community college and state university shall develop a gender equity plan pursuant to s. 1000.05.

(b) The plan shall include consideration of equity in

sports offerings, participation, availability of facilities, scholarship offerings, and funds allocated for administration, recruitment, comparable coaching, publicity and promotion, and other support costs.

(c) The Commissioner of Education shall annually assess the progress of each institution's plan and advise the State Board of Education regarding compliance.

(d) Each board of trustees of a public community college or state university shall annually evaluate the presidents on the extent to which the gender equity goals have been achieved.

(e) To determine the proper level of support for women's athletic scholarships, an equity plan may determine, where appropriate, that support for women's scholarships may be disproportionate to the support of scholarships for men.

(f) If a community college or state university is not in compliance with Title IX of the Education Amendments of 1972 and the Florida Educational Equity Act, the State Board of Education shall:

1. Declare the institution ineligible for competitive state grants.

2. Withhold funds sufficient to obtain compliance.

The institution shall remain ineligible and the funds shall not be paid until the institution comes into compliance or the Commissioner of Education approves a plan for compliance.

(2) FUNDING.--

(a) An equitable portion of all separate athletic fees shall be designated for women's intercollegiate athletics.

(b) The level of funding and percentage share of support for women's intercollegiate athletics shall be

determined by the State Board of Education. The level of funding and percentage share attained in the 1980-1981 fiscal year shall be the minimum level and percentage maintained by each institution, except as the State Board of Education otherwise directs for the purpose of assuring equity. Consideration shall be given by the State Board of Education to emerging athletic programs at institutions which may not have the resources to secure external funds to provide athletic opportunities for women. It is the intent that the effect of any redistribution of funds among institutions shall not negate the requirements as set forth in this section.

(c) In addition to the above amount, an amount equal to the sales taxes collected from admission to athletic events sponsored by a state university shall be retained and utilized by each university to support women's athletics.

(3) STATE BOARD OF EDUCATION.--The State Board of Education shall assure equal opportunity for female athletes and establish:

(a) Guidelines for reporting of intercollegiate athletics data concerning financial, program, and facilities information for review by the State Board of Education annually.

(b) Systematic audits for the evaluation of such data.

(c) Criteria for determining and assuring equity.

Section 342. Chapter 1007, Florida Statutes, shall be entitled "Articulation and Access" and shall consist of ss. 1007.01-1007.34.

Section 343. Part I of chapter 1007, Florida Statutes, shall be entitled "General Provisions" and shall consist of s. 1007.01.

Section 344. Section 1007.01, Florida Statutes, is

created to read:

1007.01 Articulation; legislative intent; purpose; role of the State Board of Education.--

(1) It is the intent of the Legislature to facilitate articulation and seamless integration of the K-20 education system by building and sustaining relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building and sustaining these relationships is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit.

(2) To improve and facilitate articulation systemwide, the State Board of Education shall develop policies and guidelines with input from statewide K-20 advisory groups established by the Commissioner of Education relating to:

(a) The alignment between the exit requirements of one system and the admissions requirements of another system into which students typically transfer.

(b) The identification of common courses, the level of courses, institutional participation in a statewide course numbering system, and the transferability of credits among such institutions.

(c) Identification of courses that meet general education or common degree program prerequisite requirements at public postsecondary educational institutions.

(d) Dual enrollment course equivalencies.

(e) Articulation agreements.

Section 345. Part II of chapter 1007, Florida

Statutes, shall be entitled "Articulation" and shall consist of ss. 1007.21-1007.28.

Section 346. Section 1007.21, Florida Statutes, is created to read:

1007.21 Readiness for postsecondary education and the workplace.--

(1) It is the intent of the Legislature that students and parents set early achievement and career goals for the student's post-high school experience. This section sets forth a model which schools, through their school advisory councils, may choose to implement to ensure that students are ready for postsecondary education and the workplace. If such a program is adopted, students and their parents shall have the option of participating in this model to plan the student's secondary level course of study. Parents and students are to become partners with school personnel in educational choice. Clear academic course expectations shall be made available to all students by allowing both student and parent or guardian choice.

(2)(a) Students entering the 9th grade and their parents shall be active participants in choosing an end-of-high-school student destination based upon both student and parent or guardian goals. Four or more destinations should be available with bridges between destinations to enable students to shift destinations should they choose to change goals. The destinations shall accommodate the needs of students served in exceptional education programs to the extent appropriate for individual students. Exceptional education students may continue to follow the courses outlined in the district school board student progression plan. Participating students and their parents shall choose among

destinations, which must include:

1. Four-year college or university, community college plus university, or military academy.

2. Two-year postsecondary degree.

3. Postsecondary career and technical certificate.

4. Immediate employment or entry-level military.

(b) The student progression model toward a chosen destination shall include:

1. A "path" of core courses leading to each of the destinations provided in paragraph (a).

2. A recommended group of electives which shall help define each path.

3. Provisions for a teacher, school administrator, other school staff member, or community volunteer to be assigned to a student as an "academic advocate" if parental or guardian involvement is lacking.

(c) The common placement test authorized in ss. 1001.03(10) and 1008.30 or a similar test may be administered to all high school second semester sophomores who have chosen one of the four destinations. The results of the placement test shall be used to target additional instructional needs in reading, writing, and mathematics prior to graduation.

(d) Ample opportunity shall be provided for students to move from one destination to another, and some latitude shall exist within each destination, to meet the individual needs of students.

(e) Destinations specified in subparagraphs (a)1., 2., and 3. shall support the goals of the Tech Prep program. Students participating in Tech Prep shall be enrolled in articulated, sequential programs of study that include a technical component and at least a minimum of a postsecondary

certificate or 2-year degree.

(f) In order for these destinations to be attainable, the business community shall be encouraged to support real-world internships and apprenticeships.

(g) All students shall be encouraged to take part in service learning opportunities.

(h) High school equivalency diploma preparation programs shall not be a choice for high school students leading to any of the four destinations provided in paragraph (a) since the appropriate coursework, counseling component, and career preparation cannot be ensured.

(i) Schools shall ensure that students and parents are made aware of the destinations available and provide the necessary coursework to assist the student in reaching the chosen destination. Students and parents shall be made aware of the student's progress toward the chosen destination.

(j) The Department of Education shall offer technical assistance to school districts to ensure that the destinations offered also meet the academic standards adopted by the state.

(3)(a) Access to Level I courses for graduation credit and for pursuit of a declared destination shall be limited to only those students for whom assessment indicates a more rigorous course of study would be inappropriate.

(b) The school principal shall:

1. Designate a member of the existing instructional or administrative staff to serve as a specialist to help coordinate the use of student achievement strategies to help students succeed in their coursework. The specialist shall also assist teachers in integrating the academic and career and technical curricula, utilizing technology, providing feedback regarding student achievement, and implementing the

1 Blueprint for Career Preparation and Tech Prep programs.
2 2. Institute strategies to eliminate reading, writing,
3 and mathematics deficiencies of secondary students.
4 Section 347. Section 1007.22, Florida Statutes, is
5 created to read:
6 1007.22 Articulation; postsecondary institution
7 coordination and collaboration.--
8 (1) The university boards of trustees, community
9 college boards of trustees, and district school boards may
10 establish intrainstitutional and interinstitutional programs
11 to maximize articulation. Programs may include
12 upper-division-level courses offered at the community college,
13 distance learning, transfer agreements that facilitate the
14 transfer of credits between public and nonpublic postsecondary
15 institutions, and the concurrent enrollment of students at a
16 community college and a state university to enable students to
17 take any level of baccalaureate degree coursework.
18 (2) The levels of postsecondary education shall
19 collaborate in further developing and providing articulated
20 programs in which students can proceed toward their
21 educational objectives as rapidly as their circumstances
22 permit. Time-shortened educational programs, as well as the
23 use of acceleration mechanisms, shall include, but not be
24 limited to, the International Baccalaureate, credit by
25 examination or demonstration of competency, advanced
26 placement, early admissions, and dual enrollment.
27 (3) Public postsecondary educational institutions
28 serving the same students in a geographic and service area are
29 encouraged to establish appropriate interinstitutional
30 mechanisms to achieve cooperative planning and delivery of
31 academic programs and related services, share a high-cost

instructional facility and equipment, coordinate credit and noncredit outreach activities, have access to each other's library and media holdings and services, and provide cooperative campus activities and consultative relationships for the discussion and resolution of interinstitutional issues and problems which discourage student access or transfer.

(4) Public postsecondary education institutions are encouraged to include independent colleges and universities and industries within their service areas in mutual planning of a comprehensive, complementary, cost-effective array of undergraduate and beginning graduate programs of study to serve that geographic area.

Section 348. Section 1007.23, Florida Statutes, is created to read:

1007.23 Statewide articulation agreement.--

(1) The State Board of Education shall establish in rule a statewide articulation agreement that governs:

(a) Articulation between secondary and postsecondary education;

(b) Admission of associate in arts degree graduates from community colleges and state universities;

(c) Admission of applied technology diploma program graduates from community colleges or technical centers;

(d) Admission of associate in science degree and associate in applied science degree graduates from community colleges;

(e) The use of acceleration mechanisms, including nationally standardized examinations through which students may earn credit;

(f) General education requirements and statewide course numbers as provided for in ss. 1007.24 and 1007.25; and

(g) Articulation among programs in nursing.

(2) The articulation agreement must specifically provide that every associate in arts graduate of a community college shall have met all general education requirements and must be granted admission to the upper division of a state university except to a limited access or teacher certification program or a major program requiring an audition. After admission has been granted to students under provisions of this section and to university students who have successfully completed 60 credit hours of coursework, including 36 hours of general education, and met the requirements of s. 1008.29, admission shall be granted to state university and community college students who have successfully completed 60 credit hours of work, including 36 hours of general education. Community college associate in arts graduates shall receive priority for admission to a state university over out-of-state students. Orientation programs and student handbooks provided to freshman enrollees and transfer students at state universities must include an explanation of this provision of the articulation agreement.

(3) The articulation agreement must guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and community colleges and specifically provide that every applied technology diploma graduate must be granted the same amount of credit upon admission to an associate in science degree or associate in applied science degree program unless it is a limited access program. Preference for admission must be given to graduates who are residents of Florida.

(4) The articulation agreement must guarantee the statewide articulation of appropriate courses within associate

in science degree programs to baccalaureate degree programs. Courses within an associate in applied science degree program may articulate into a baccalaureate degree program on an individual or block basis as authorized in local interinstitutional articulation agreements.

Section 349. Section 1007.235, Florida Statutes, is created to read:

1007.235 District interinstitutional articulation agreements.--

(1) District school superintendents and community college presidents shall jointly develop and implement a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Within this general responsibility, each superintendent and president shall develop a comprehensive interinstitutional articulation agreement for the school district and community college that serves the school district. The district school superintendent and president shall establish an articulation committee for the purpose of developing this agreement. Each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreements for each school district within the university service area.

(2) The district interinstitutional articulation agreement for each school year must be completed before high school registration for the fall term of the following school year. The agreement must include, but is not limited to, the following components:

(a) A ratification or modification of all existing articulation agreements.

(b)1. A delineation of courses and programs available to students eligible to participate in dual enrollment. This delineation must include a plan for the community college to provide guidance services to participating students on the selection of courses in the dual enrollment program. The process of community college guidance should make maximum use of the automated advisement system for community colleges. The plan must assure that each dual enrollment student is encouraged to identify a postsecondary education objective with which to guide the course selection. At a minimum, each student's plan should include a list of courses that will result in an Applied Technology Diploma, an Associate in Science degree, or an Associate in Arts degree. If the student identifies a baccalaureate degree as the objective, the plan must include courses that will meet the general education requirements and any prerequisite requirements for entrance into a selected baccalaureate degree program.

2. A delineation of the process by which students and their parents are informed about opportunities to participate in articulated acceleration programs.

3. A delineation of the process by which students and their parents exercise their option to participate in an articulated acceleration program.

4. A delineation of high school credits earned for completion of each dual enrollment course.

5. Provision for postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting the graduation requirements of s. 1003.43.

6. An identification of eligibility criteria for student participation in dual enrollment courses and programs.

7. A delineation of institutional responsibilities regarding student screening prior to enrollment and monitoring student performance subsequent to enrollment in dual enrollment courses and programs.

8. An identification of the criteria by which the quality of dual enrollment courses and programs are to be judged and a delineation of institutional responsibilities for the maintenance of instructional quality.

9. A delineation of institutional responsibilities for assuming the cost of dual enrollment courses and programs that includes such responsibilities for student instructional materials.

10. An identification of responsibility for providing student transportation if the dual enrollment instruction is conducted at a facility other than the high school campus.

11. A delineation of the process for converting college credit hours earned through dual enrollment and early admission programs to high school credit based on mastery of course outcomes as determined by the Department of Education in accordance with s. 1007.271(6).

(c) Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates, based upon the findings in the postsecondary readiness-for-college report produced pursuant to s. 1008.37. Each articulation committee shall annually analyze and assess the effectiveness of the mechanisms toward meeting the goal of reducing postsecondary remediation needs. Results of the assessment shall be annually presented to participating district school boards and community college boards of trustees and shall include, but not be limited to:

1 1. Mechanisms currently being initiated.
2 2. An analysis of problems and corrective actions.
3 3. Anticipated outcomes.
4 4. Strategies for the better preparation of students
5 upon graduation from high school.
6 5. An analysis of costs associated with the
7 implementation of postsecondary remedial education and
8 secondary-level corrective actions.
9 6. The identification of strategies for reducing costs
10 of the delivery of postsecondary remediation for recent high
11 school graduates, including the consideration and assessment
12 of alternative instructional methods and services such as
13 those produced by private providers.
14
15 Wherever possible, public schools and community colleges are
16 encouraged to share resources, form partnerships with private
17 industries, and implement innovative strategies and mechanisms
18 such as distance learning, summer student and faculty
19 workshops, parental involvement activities, and the
20 distribution of information over the Internet.
21 (d) Mechanisms and strategies for promoting "tech
22 prep" programs of study. Such mechanisms should raise
23 awareness about the programs, promote enrollment in the
24 programs, and articulate students from a secondary portion
25 into a planned, related postsecondary portion of a sequential
26 program of study that leads to a terminal postsecondary career
27 or technical education degree or certificate.
28 (3) The district interinstitutional articulation
29 agreement shall include a plan that outlines the mechanisms
30 and strategies for improving the preparation of elementary,
31 middle, and high school teachers. Effective collaboration

among school districts, postsecondary institutions, and practicing educators is essential to improving teaching in Florida's elementary and secondary schools and consequently, the retention and success of students through high school graduation and into postsecondary education. Professional development programs shall be developed cooperatively and include curricular content which focuses upon local and state needs and responds to state, national, and district policy and program priorities. School districts and community colleges are encouraged to develop plans which utilize new technologies, address critical needs in their implementation, and include both preservice and inservice initiatives.

(4) The district school superintendent is responsible for incorporating, either directly or by reference, all dual enrollment courses contained within the district interinstitutional articulation agreement within the district school board's student progression plan.

(5) The Department of Education shall review each articulation agreement and certify the statewide course number of postsecondary courses that meet each district's graduation requirements.

(6) District school boards and community colleges may enter into additional interinstitutional articulation agreements with state universities for the purposes of this section. School districts may also enter into interinstitutional articulation agreements with eligible independent colleges and universities pursuant to s. 1011.62(1)(i).

(7) State universities and community colleges may enter into interinstitutional articulation agreements with nonpublic secondary schools pursuant to s. 1007.271(2).

Amendment No. ___ (for drafter's use only)

Section 350. Section 1007.24, Florida Statutes, is created to read:

1007.24 Statewide course numbering system.--

(1) The Department of Education shall develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions that will improve program planning, increase communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions. The continuing maintenance of the system shall be accomplished with the assistance of appropriate faculty committees representing public and participating nonpublic educational institutions.

(2) The Commissioner of Education shall appoint faculty committees representing faculties of participating institutions to recommend a single level for each course, including postsecondary career and technical education courses, included in the statewide course numbering system.

(a) 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.

(b) 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.

(c) A course designated as lower-division may be

offered by any community college.

(3) The Commissioner of Education shall recommend to the State Board of Education the levels for the courses.

(4) The statewide course numbering system shall include the courses at the recommended levels.

(5) The registration process at each state university and community college shall include the courses at their designated levels and statewide course number.

(6) Nonpublic colleges and schools that are fully accredited by a regional or national accrediting agency recognized by the United States Department of Education and are either eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant or have been issued a regular license pursuant to s. 1005.31, may participate in the statewide course numbering system pursuant to s. 1007.24. Participating colleges and schools shall bear the costs associated with inclusion in the system and shall meet the terms and conditions for institutional participation in the system. The department shall adopt a fee schedule that includes the expenses incurred through data processing, faculty task force travel and per diem, and staff and clerical support time. Such fee schedule may differentiate between the costs associated with initial course inclusion in the system and costs associated with subsequent course maintenance in the system. Decisions regarding initial course inclusion and subsequent course maintenance must be made within 360 days after submission of the required materials and fees by the institution. The Department of Education may select a date by which colleges must submit requests for new courses to be included, and may delay review of courses submitted after that date until the next year's cycle. Any college that currently

1 participates in the system, and that participated in the
2 system prior to July 1, 1986, shall not be required to pay the
3 costs associated with initial course inclusion in the system.
4 Fees collected for participation in the statewide course
5 numbering system pursuant to the provisions of this section
6 shall be deposited in the Institutional Assessment Trust Fund.
7 Any nonpublic, nonprofit college or university that is
8 eligible to participate in the statewide course numbering
9 system shall not be required to pay the costs associated with
10 participation in the system. No college or school shall
11 record student transcripts or document courses offered by the
12 college or school in accordance with this subsection unless
13 the college or school is actually participating in the system
14 pursuant to rules of the State Board of Education. Any
15 college or school deemed to be in violation of this section
16 shall be subject to the provisions of s. 1005.38.
17 (7) Any student who transfers among postsecondary
18 institutions that are fully accredited by a regional or
19 national accrediting agency recognized by the United States
20 Department of Education and that participate in the statewide
21 course numbering system shall be awarded credit by the
22 receiving institution for courses satisfactorily completed by
23 the student at the previous institutions. Credit shall be
24 awarded if the courses are judged by the appropriate statewide
25 course numbering system faculty committees representing school
26 districts, public postsecondary educational institutions, and
27 participating nonpublic postsecondary educational institutions
28 to be academically equivalent to courses offered at the
29 receiving institution, including equivalency of faculty
30 credentials, regardless of the public or nonpublic control of
31 the previous institution. The Department of Education shall

ensure that credits to be accepted by a receiving institution are generated in courses for which the faculty possess credentials that are comparable to those required by the accrediting association of the receiving institution. The award of credit may be limited to courses that are entered in the statewide course numbering system. Credits awarded pursuant to this subsection shall satisfy institutional requirements on the same basis as credits awarded to native students.

(8) The State Board of Education shall adopt rules that provide for the conduct of regularly scheduled purges of courses that are listed in the statewide course numbering system but have not been taught at an institution for the preceding 5 years. These rules must include waiver provisions that allow course continuation if an institution has reasonable cause for having not offered a course within the 5-year limit and an expectation that the course will be offered again within the following 5 years.

Section 351. Section 1007.25, Florida Statutes, is created to read:

1007.25 General education courses; common prerequisites; and other degree requirements.--

(1) The department shall identify the degree programs offered by public postsecondary educational institutions.

(2) The department shall identify postsecondary career and technical education programs offered by community colleges and district school boards. The department shall also identify career and technical courses designated as college credit courses applicable toward a career and technical education diploma or degree. Such courses must be identified within the statewide course numbering system.

(3) The department shall identify those courses that meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The courses shall be identified by their statewide course code number. All public postsecondary educational institutions shall accept these general education courses.

(4) The department shall identify those courses offered by universities and accepted for credit toward a degree. The department shall identify courses designated as either general education or required as a prerequisite for a degree. The courses shall be identified by their statewide course number.

(5) The department shall identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites shall be offered and accepted by all state universities and community colleges, except in cases approved by the State Board of Education pursuant to s. 1001.02(2)(x). The department shall develop a centralized database containing the list of courses and course substitutions that meet the prerequisite requirements for each baccalaureate degree program.

(6) The boards of trustees of the community colleges and state universities shall identify their core curricula, which shall include courses required by the State Board of Education. The universities and community colleges shall work with their school districts to assure that high school curricula coordinate with the core curricula and to prepare students for college-level work. Core curricula for associate in arts programs shall be adopted in rule by the State Board of Education and shall include 36 semester hours of general

education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.

(7) An associate in arts degree shall require no more than 60 semester hours of college credit, including 36 semester hours of general education coursework. Except for college-preparatory coursework required pursuant to s. 1008.30, all required coursework shall count toward the associate in arts degree or the baccalaureate degree.

(8) A baccalaureate degree program shall require no more than 120 semester hours of college credit, including 36 semester hours of general education coursework, unless prior approval has been granted by the State Board of Education.

(9) A student who received an associate in arts degree for successfully completing 60 semester credit hours may continue to earn additional credits at a community college. The university must provide credit toward the student's baccalaureate degree for an additional community college course if, according to the statewide course numbering, the community college course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree shall be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education.

(10) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully

completed minimum requirements for college-level communication and computation skills adopted by the State Board of Education and 60 academic semester hours or the equivalent within a degree program area, with 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.

(11) The Commissioner of Education shall appoint faculty committees representing both community college and public school faculties to recommend to the commissioner for approval by the State Board of Education a standard program length and appropriate occupational completion points for each postsecondary career and technical certificate program, diploma, and degree.

Section 352. Section 1007.261, Florida Statutes, is created to read:

1007.261 State universities; admissions of students.--Each university board of trustees is authorized to adopt rules governing the admission of students, subject to this section and rules of the State Board of Education.

(1) Minimum academic standards for undergraduate admission to a university include:

(a) Each student must have received a high school diploma pursuant to s. 1003.43, or its equivalent, except as provided in s. 1007.271(2)-(5) or completed a home education program according to s. 1002.41.

(b) Each student must have successfully completed a college-preparatory curriculum of 19 credits, as defined in rules of the State Board of Education, including at least 2

1 credits of sequential foreign language at the secondary level
2 or the equivalent of such instruction at the postsecondary
3 level. A student who completes a home education program
4 according to s. 1002.41 is not required to document completion
5 of the 19 credits required by this paragraph. A student whose
6 native language is not English is exempt from the foreign
7 language requirement, provided that the student demonstrates
8 proficiency in the native language. If a standardized test is
9 not available in the student's native language for the
10 demonstration of proficiency, the university may provide an
11 alternative method of assessment. The State Board of Education
12 shall adopt rules for the articulation of foreign language
13 competency and equivalency between secondary and postsecondary
14 institutions. A student who received an associate in arts
15 degree prior to September 1, 1989, or who enrolled in a
16 program of studies leading to an associate degree from a
17 community college prior to August 1, 1989, and maintains
18 continuous enrollment shall be exempt from this admissions
19 requirement.
20 (c) Each student must have submitted a test score from
21 the Scholastic Assessment Test of the College Entrance
22 Examination Board or the American College Testing Program.
23 (2) The minimum admission standards adopted by the
24 State Board of Education or a university board of trustees
25 must permit a student to earn at least 4 of the 19 credits
26 constituting the college-preparatory curriculum required for
27 admission as electives in any one of the following manners:
28 (a) Successful completion of any course identified in
29 the Department of Education course code directory as level two
30 or higher in one or more of the following subject areas:
31 English, mathematics, natural science, social science, and

foreign language;

(b) Successful completion of any course identified in the Department of Education course code directory as level three in the same or related disciplines;

(c) Any combination of the courses identified in paragraphs (a) and (b); or

(d) Successful completion of two credits from the courses identified in paragraph (a), plus no more than two total credits from the following categories of courses:

1. Courses identified in the Department of Education course code directory as ROTC and military training;

2. Courses identified in the Department of Education course code directory as level two in art-visual arts, dance, drama-theatre arts, language arts, or music; or

3. Any additional courses determined to be equivalent by the Department of Education.

(3) Each university may admit a limited number of students notwithstanding the admission requirements of paragraph (1)(b) relating to credits in foreign language, if there is evidence that the applicant is expected to do successful academic work at the admitting university. The percent of applicants admitted under this subsection may not exceed a level established for the university by the State Board of Education. Any lower-division student admitted without meeting the foreign language requirement must earn such credits prior to admission to the upper division of a state university. Any associate in arts degree graduate from a community college or university in Florida, or other upper-division transfer student, admitted without meeting the foreign language requirement, must earn such credits prior to graduation from a state university. Students shall be exempt

from the provisions of this subsection if they can demonstrate proficiency in American sign language equivalent to that of students who have completed two credits of such instruction in high school.

(4) Nonresident students may be admitted to the university upon such terms as the university may establish. However, such terms shall include, but shall not be limited to: completion of a secondary school curriculum which includes 4 years of English; 3 years each of mathematics, science, and social sciences; and 2 years of a foreign language.

(5) Within the admission standards provided for in subsection (1), the State Board of Education shall develop procedures for weighting courses which are necessary to meet the requirements of a college-preparatory curriculum at a higher value than less rigorous courses. Credits received in such courses shall be given greater value in determining admission by universities than cumulative grade point averages in high school.

(6) Consideration shall be given to the past actions of any person applying for admission as a student to any state university, either as a new applicant, an applicant for continuation of studies, or a transfer student, when such actions have been found to disrupt or interfere with the orderly conduct, processes, functions, or programs of any other university, college, or community college.

(7) In any application for admission by a student as a citizen of the state, the applicant, if 18 years of age, or, if a minor, his or her parents or guardian shall make and file with such application a written statement under oath that such applicant is a citizen and resident of the state and entitled,

as such, to admission upon the terms and conditions prescribed for citizens and residents of the state.

(8) Rules of the State Board of Education shall require the use of scores on tests of college-level communication and computation skills provided in s. 1008.29 as a condition for admission of students to upper-division instructional programs from community colleges, including those who have been awarded associate in arts degrees. Use of such test scores as an admission requirement shall extend equally and uniformly to students enrolled in lower divisions in a state university and to transfer students from other colleges and universities. The tests shall be required for community college students seeking associate in arts degrees and students seeking admission to upper-division instructional programs in a state university. The use of test scores prior to August 1, 1984, shall be limited to student counseling and curriculum improvement.

(9) For the purposes of this section, American sign language constitutes a foreign language. Florida high schools may offer American sign language as a for-credit elective or as a substitute for any already authorized foreign language requirement.

(10) A Florida resident who is denied admission as an undergraduate to a state university for failure to meet the high school grade point average requirement may appeal the decision to the university and request a recalculation of the grade point average including in the revised calculation the grades earned in up to three credits of advanced fine arts courses. The university shall provide the student with a description of the appeals process at the same time as notification of the admissions decision. The university shall

recalculate the student's grade point average using the additional courses and advise the student of any changes in the student's admission status. For purposes of this section, fine arts courses include courses in music, drama, painting, sculpture, speech, debate, or a course in any art form that requires manual dexterity. Advanced level fine arts courses include fine arts courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate, or fine arts courses taken in the third or fourth year of a fine arts curriculum.

Section 353. Section 1007.262, Florida Statutes, is created to read:

1007.262 Foreign language competence; equivalence determinations.--The Department of Education shall identify the competencies demonstrated by students upon the successful completion of 2 credits of sequential high school foreign language instruction. For the purpose of determining postsecondary equivalence pursuant to s. 1007.261(1)(b), the department shall develop rules through which community colleges correlate such competencies to the competencies required of students in the colleges' respective courses. Based on this correlation, each community college shall identify the minimum number of postsecondary credits that students must earn in order to demonstrate a level of competence in a foreign language at least equivalent to that of students who have completed 2 credits of such instruction in high school. The department may also specify alternative means by which students can demonstrate equivalent foreign language competence, including means by which a student whose native language is not English may demonstrate proficiency in

the native language. A student who demonstrates proficiency in a native language other than English is exempt from the requirement of completing foreign language courses at the secondary or postsecondary level.

Section 354. Section 1007.263, Florida Statutes, is created to read:

1007.263 Community colleges; admissions of students.--Each community college board of trustees is authorized to adopt rules governing admissions of students subject to this section and rules of the State Board of Education. These rules shall include the following:

(1) Admissions counseling shall be provided to all students entering college credit programs, which counseling shall utilize tests to measure achievement of college-level communication and computation competencies by all students entering college credit programs.

(2) Admission to associate degree programs is subject to minimum standards adopted by the State Board of Education and shall require:

(a) A standard high school diploma, a high school equivalency diploma as prescribed in s. 1003.435, previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of s. 1002.41. Students who are enrolled in a dual enrollment or early admission program pursuant to ss. 1007.27 and 1007.271 and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, shall be exempt from this requirement.

(b) A demonstrated level of achievement of college-level communication and computation skills.

(c) Any other requirements established by the board of trustees.

(3) Admission to other programs within the community college shall include education requirements as established by the board of trustees.

Each board of trustees shall establish policies that notify students about, and place students into, adult basic education, adult secondary education, or other instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction. A student is prohibited from enrolling in additional college-level courses until the student scores above the cut-score on all sections of the common placement test.

Section 355. Section 1007.264, Florida Statutes, is created to read:

1007.264 Impaired and learning disabled persons; admission and graduation, substitute requirements; rules.--Any person who is hearing impaired, visually impaired, or dyslexic, or who has a specific learning disability, shall be eligible for reasonable substitution for any requirement for admission into a public postsecondary educational institution, admission into a program of study, or graduation, where documentation can be provided that the person's failure to meet the requirement is related to the disability and where the failure to meet the graduation requirement or program admission requirement does not constitute a fundamental alteration in the nature of the program. The State Board of

Education shall adopt rules to implement this section and shall develop substitute requirements where appropriate.

Section 356. Section 1007.27, Florida Statutes, is created to read:

1007.27 Articulated acceleration mechanisms.--

(1) It is the intent of the Legislature that a variety of articulated acceleration mechanisms be available for secondary and postsecondary students attending public educational institutions. It is intended that articulated acceleration serve to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject. Articulated acceleration mechanisms shall include, but not be limited to, dual enrollment as provided for in s. 1007.271, early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Credit earned through the Florida Virtual School shall provide additional opportunities for early graduation and acceleration.

(2) The Department of Education shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the department shall identify such courses in the general education core curriculum of each state university and community college.

(3) Each community college and state university must

award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations in subsection (2) unless the award of credit duplicates credit already awarded. Community colleges and state universities may not exempt students from courses without the award of credit if competencies have been so demonstrated.

(4) It is the intent of the Legislature to provide articulated acceleration mechanisms for students who are in home education programs, as defined in s. 1003.01(11), consistent with the educational opportunities available to public and private secondary school students. Home education students may participate in dual enrollment, career and technical dual enrollment, early admission, and credit by examination. Credit earned by home education students through dual enrollment shall apply toward the completion of a home education program that meets the requirements of s. 1002.41.

(5) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, tuition, and laboratory fees.

(6) Advanced placement shall be the enrollment of an eligible secondary student in a course offered through the Advanced Placement Program administered by the College Board. Postsecondary credit for an advanced placement course shall be limited to students who score a minimum of 3, on a 5-point scale, on the corresponding Advanced Placement Examination. The specific courses for which students receive such credit

shall be determined by the department. Students of Florida public secondary schools enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examination regardless of whether or not the student achieves a passing score on the examination.

(7) Credit by examination shall be the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit shall be delineated by the State Board of Education in the statewide articulation agreement. The maximum credit generated by a student pursuant to this subsection shall be mitigated by any related postsecondary credit earned by the student prior to the administration of the examination. This subsection shall not preclude community colleges and universities from awarding credit by examination based on student performance on examinations developed within and recognized by the individual postsecondary institutions.

(8) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education shall establish rules which specify the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the

International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the department. Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(9) The Advanced International Certificate of Education Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the Advanced International Certificate of Education Program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education shall establish rules which specify the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at community colleges and universities. Any such rules, which have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education Examinations after such rules are adopted by the State Board of Education. Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection. The specific course for which a student receives such credit shall be determined by the community college or university that accepts the student for admission. Students enrolled pursuant

to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(10) Any student who earns 9 or more credits from one or more of the acceleration mechanisms provided for in this section is exempt from any requirement of a public postsecondary educational institution mandating enrollment during a summer term.

Section 357. Section 1007.271, Florida Statutes, is created to read:

1007.271 Dual enrollment programs.--

(1) The dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward a career and technical certificate or an associate or baccalaureate degree.

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in a Florida public secondary school or in a Florida private secondary school which is in compliance with s. 1002.42(2) and conducts a secondary curriculum pursuant to s. 1003.43. Students enrolled in postsecondary instruction that is not creditable toward the high school diploma shall not be classified as dual enrollments. Students who are eligible for dual enrollment pursuant to this section shall be permitted to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. Instructional time for such enrollment may exceed 900 hours; however, the school district may only report the student for a maximum of 1.0 FTE, as provided in s. 1011.61(4). Any student so enrolled is exempt from the payment of registration, tuition, and laboratory

fees. Vocational-preparatory instruction, college-preparatory instruction and other forms of precollegiate instruction, as well as physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.

(3) The Department of Education shall adopt guidelines designed to achieve comparability across school districts of both student qualifications and teacher qualifications for dual enrollment courses. Student qualifications must demonstrate readiness for college-level coursework if the student is to be enrolled in college courses. Student qualifications must demonstrate readiness for career and technical-level coursework if the student is to be enrolled in career and technical courses. In addition to the common placement examination, student qualifications for enrollment in college credit dual enrollment courses must include a 3.0 unweighted grade point average, and student qualifications for enrollment in career and technical certificate dual enrollment courses must include a 2.0 unweighted grade point average. Exceptions to the required grade point averages may be granted if the educational entities agree and the terms of the agreement are contained within the dual enrollment interinstitutional articulation agreement. Community college boards of trustees may establish additional admissions criteria, which shall be included in the district interinstitutional articulation agreement developed according to s. 1007.235, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement

shall not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses. District school boards may not refuse to enter into an agreement with a local community college if that community college has the capacity to offer dual enrollment courses.

(4) Career and technical dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn a series of elective credits toward the high school diploma. However, career and technical dual enrollment shall not supplant student acquisition of the diploma. Career and technical dual enrollment shall be available for secondary students seeking a degree or certificate from a complete job-preparatory program, but shall not sustain student enrollment in isolated career and technical courses. It is the intent of the Legislature that career and technical dual enrollment reflect the interests and aptitudes of the student. The provision of a comprehensive academic and career and technical dual enrollment program within the area technical center or community college is supportive of legislative intent; however, such provision is not mandatory.

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

(6) The Commissioner of Education shall appoint faculty committees representing public school, community college, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 1003.43, and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to s. 1007.271 that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their statewide course number, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.43.

(7) Early admission shall be a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. Students enrolled pursuant to this subsection shall be exempt from the payment of registration, tuition, and laboratory fees.

(8) Career and technical early admission is a form of career and technical dual enrollment through which eligible secondary students enroll full time in an area technical center or a community college in courses that are creditable toward the high school diploma and the certificate or associate degree. Participation in the career and technical early admission program shall be limited to students who have

completed a minimum of 6 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

(9) The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation.

(10)(a) The dual enrollment program for home education students consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career or technical certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own instructional materials and transportation unless provided for otherwise.

(b) Each technical center, community college, and state university shall:

1. Delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time.

2. Identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students.

(11) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the statewide course numbering system. However, college-preparatory and other forms of precollegiate instruction, and physical education and other courses that

focus on the physical execution of a skill rather than the intellectual attributes of the activity, may not be so approved, but must be evaluated individually for potential inclusion in the dual enrollment program.

(12) The Department of Education shall develop a statement on transfer guarantees which will inform students, prior to enrollment in a dual enrollment course, of the potential for the dual enrollment course to articulate as an elective or a general education course into a postsecondary education certificate or degree program. The statement shall be provided to each district school superintendent, who shall include the statement in the information provided to all secondary students as required pursuant to this subsection. The statement may also include additional information, including, but not limited to, dual enrollment options, guarantees, privileges, and responsibilities.

(13) It is the intent of the Legislature that students who meet the eligibility requirements of this subsection and who choose to participate in dual enrollment programs be exempt from the payment of registration, tuition, and laboratory fees.

(14) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students from Florida public high schools free of charge. This subsection shall not be construed to prohibit a community college from providing instructional materials at no cost to a home education student or student from a private school. Students enrolled in postsecondary instruction not creditable toward a high school diploma shall not be considered dual enrollments and shall be required to assume the cost of instructional materials necessary for such

instruction.

(15) Instructional materials purchased by a district school board or community college board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(16) School districts and community colleges must weigh college-level dual enrollment courses the same as honors courses and advanced placement courses when grade point averages are calculated. Alternative grade calculation or weighting systems that discriminate against dual enrollment courses are prohibited.

(17) The Commissioner of Education may approve dual enrollment agreements for limited course offerings that have statewide appeal. Such programs shall be limited to a single site with multiple county participation.

Section 358. Section 1007.272, Florida Statutes, is created to read:

1007.272 Joint dual enrollment and advanced placement instruction.--

(1) Each school district, community college, and state university may conduct advanced placement instruction within dual enrollment courses. Each joint dual enrollment and advanced placement course shall be incorporated within and subject to the provisions of the district interinstitutional articulation agreement pursuant to s. 1007.235. Such agreement shall certify that each joint dual enrollment and advanced placement course integrates, at a minimum, the course structure recommended by the College Board and the structure that corresponds to the common course number.

(2) Each student enrolled in a joint dual enrollment and advanced placement course may be funded pursuant to either

the dual enrollment or advanced placement formula specified in s. 1011.62; however, no student shall be funded through both programs for enrollment in a course provided through this section. The district school board reporting enrollments for such courses shall utilize the funding formula that more closely approximates the cost of conducting the course. No student shall be reported for advanced placement funding who fails to meet the examination requirement for such funding.

(3) Postsecondary credit for student completion of a joint dual enrollment and advanced placement course shall be awarded, based on the stated preference of the student, as either dual enrollment or advanced placement credit; however, an award of advanced placement credit shall be limited to students who score a minimum of 3, on a 5-point scale, on the Advanced Placement Examination. No student shall claim double credit based on the completion of a single joint dual enrollment and advanced placement course, nor shall any student enrolled pursuant to this section be required to complete the Advanced Placement Examination.

Section 359. Section 1007.28, Florida Statutes, is created to read:

1007.28 Computer-assisted student advising system.--The State Board of Education shall establish and maintain within the Department of Education a single, statewide computer-assisted student advising system, which must be an integral part of the process of advising, registering, and certifying students for graduation. It is intended that an advising system be the primary advising and tracking tool for students enrolled in public postsecondary educational institutions and be accessible to all Florida students. The state universities and community colleges shall

interface institutional systems with the computer-assisted advising system required by this section. The State Board of Education shall prescribe by rule the roles and responsibilities of the department, the state universities, and the community colleges in the design, implementation, promotion, development, and analysis of the system. The system shall consist of a degree audit and an articulation component that includes the following characteristics:

(1) The system shall constitute an integral part of the process of advising students and assisting them in course selection. The system shall be accessible to students in the following ways:

(a) A student must be able to access the system, at any time, to identify course options that will meet the requirements of a selected path toward a degree.

(b) A status report from the system shall be generated and sent with each grade report to each student enrolled in public postsecondary educational institutions with a declared major.

(2) The system shall be an integral part of the registration process at public postsecondary educational institutions. As part of the process, the system shall:

(a) Provide reports that document each student's status toward completion of a degree.

(b) Verify that a student has completed requirements for graduation.

(3) The system must provide students information related to career descriptions and corresponding educational requirements, admissions requirements, and available sources of student financial assistance. Such advising must enable students to examine their interests and aptitudes for the

purpose of curricular and career planning.

(4) The system must provide management information to decisionmakers, including information relating student enrollment patterns and course demands to plans for corresponding course offerings and information useful in planning the student registration process.

Section 360. Part III of chapter 1007, Florida Statutes, shall be entitled "Access to Postsecondary Education" and shall consist of ss. 1007.31-1007.34.

Section 361. Section 1007.31, Florida Statutes, is created to read:

1007.31 Limited access programs.--

(1) The State Board of Education shall establish criteria for assigning limited access status to an educational program and a process for the periodic review of such programs so that a university board of trustees can determine the need for retention or removal of limited access status.

(2) Each university board of trustees shall monitor limited access programs within the university and conduct periodic reviews of such programs to determine the need for retention or removal of the limited access status.

Section 362. Section 1007.32, Florida Statutes, is created to read:

1007.32 Transfer students.--

(1) Each university shall provide registration opportunities for transfer students that allow such students access to high demand courses comparable to that provided native students.

(2) Each university that provides an orientation program for freshman enrollees shall also provide orientation programs for transfer students.

Section 363. Section 1007.33, Florida Statutes, is created to read:

1007.33 Site-determined baccalaureate degree access.--

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

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

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

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

(b) Unmet need for graduates of the proposed degree

program is substantiated.

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

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

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

Section 364. Section 1007.34, Florida Statutes, is created to read:

1007.34 College reach-out program.--

(1) There is established a college reach-out program to increase the number of low-income educationally disadvantaged students in grades 6-12 who, upon high school graduation, are admitted to and successfully complete postsecondary education. Participants should be students who otherwise would be unlikely to seek admission to a community college, state university, or independent postsecondary institution without special support and recruitment efforts. The State Board of Education shall adopt rules that provide

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for the following:

(a) Definition of "low-income educationally disadvantaged student."

(b) Specific criteria and guidelines for selection of college reach-out participants.

(2) In developing the definition for "low-income educationally disadvantaged student," the State Board of Education shall include such factors as: the family's taxable income; family receipt of temporary cash assistance in the preceding year; family receipt of public assistance in the preceding year; the student's cumulative grade point average; the student's promotion and attendance patterns; the student's performance on state standardized tests; the student's enrollment in mathematics and science courses; and the student's participation in a dropout prevention program.

(3) To participate in the college reach-out program, a postsecondary educational institution may submit a proposal to the Department of Education. The State Board of Education shall consider the proposals and determine which proposals to implement as programs that will strengthen the educational motivation and preparation of low-income educationally disadvantaged students.

(4) Postsecondary educational institutions that participate in the program must provide procedures for continuous contact with students from the point at which they are selected for participation until they enroll in a postsecondary educational institution. These procedures must assist students in selecting courses required for graduation from high school and admission to a postsecondary educational institution and ensure that students continue to participate in program activities. Institutions that participate must

provide on-campus academic and advisory activities during summer vacation and provide opportunities for interacting with college and university students as mentors, tutors, or role models. Proposals submitted by universities and consortia involving universities must provide students with an opportunity to live on campus.

(5) In selecting proposals for approval, the State Board of Education shall give preference to:

(a) Proposals submitted jointly by two or more eligible postsecondary educational institutions.

(b) A program that will use institutional, federal, or private resources to supplement state appropriations.

(c) An applicant that has demonstrated success in conducting similar programs.

(d) A program that includes innovative approaches, provides a great variety of activities, and includes a large percentage of low-income educationally disadvantaged minority students in the college reach-out program.

(e) An applicant that demonstrates commitment to the program by proposing to match the grant funds at least one-to-one in cash or services, with cash being the preferred match.

(f) An applicant that demonstrates an interest in cultural diversity and that addresses the unmet regional needs of varying communities.

(6) A participating postsecondary educational institution is encouraged to use its resources to meet program objectives. A participating postsecondary educational institution must establish an advisory committee composed of high school and middle school personnel, as well as community leaders, to provide advice and assistance in implementing its

program.

(7) A proposal must contain the following information:

(a) A statement of purpose that includes a description of the need for, and the results expected from, the proposed program.

(b) An identification of the service area that names the schools to be served, provides community and school demographics, and sets forth the postsecondary enrollment rates of high school graduates within the area.

(c) An identification of existing programs for enhancing the academic performance of minority and low-income educationally disadvantaged students for enrollment in postsecondary education.

(d) A description of the proposed program that describes criteria to be used to identify schools for participation in the program. At least 60 percent of the students recruited in any one year must be in grades 6-9.

(e) A description of the program activities that must support the following goals:

1. Motivate students to pursue a postsecondary education.

2. Enhance students' basic learning skills and performance.

3. Strengthen students' and parents' understanding of the benefits of postsecondary education.

4. Foster academic, personal, and career development through supplemental instruction.

(f) An evaluation component that provides for the collection, maintenance, retrieval, and analysis of the data required by this paragraph. The data must be used to assess the extent to which programs have accomplished specific

objectives and achieved the goals of the college reach-out program. The Department of Education shall develop specifications and procedures for the collection and transmission of the data. The annual project evaluation component must contain:

1. The student identification number and social security number, if available; the name of the public school attended; gender; ethnicity; grade level; and grade point average of each participant at the time of entry into the program.

2. The grade point average, grade, and promotion status of each of the participants in the program at the end of the academic year and any suspension or expulsion of a participant, if applicable.

3. The number and percentage of high school participants who satisfactorily complete 2 sequential years of a foreign language and Level 2 and 3 mathematics and science courses.

4. The number and percentage of participants eligible for high school graduation who receive a standard high school diploma or a high school equivalency diploma, pursuant to s. 229.814.

5. The number and percentage of 12th grade participants who are accepted for enrollment and who enroll in a postsecondary educational institution.

6. The number of participants who receive scholarships, grant aid, and work-study awards.

7. The number and percentage of participants who enroll in a public postsecondary educational institution and who fail to achieve a passing score, as defined in State Board of Education rule, on college placement tests pursuant to s.

1008.30.

8. The number and percentage of participants who enroll in a postsecondary educational institution and have a minimum cumulative 2.0 grade point average on a 4.0 scale by the end of the second semester.

9. The number of disabled students participating in the project and the nature of their disabilities.

(8) Proposals must be funded competitively in accordance with the following methodology:

(a) The funds appropriated must be distributed to projects on the basis of minimum standards that include:

1. A summer residency program of at least 1 week in duration.

2. A minimum number of hours of academic instructional and developmental activities, career counseling, and personal counseling.

(b) Subject to legislative appropriations, continuation projects that satisfy the minimum requirements should have their funds increased each year by the same percentage as the rate of inflation. Projects funded for 3 consecutive years should have a cumulative institutional cash match of not less than 50 percent of the total cost of the project over the 3-year period. Any college reach-out program project operating for 3 years which does not provide the minimum 50-percent institutional cash match must not be considered for continued funding.

(9) The Commissioner of Education shall appoint an advisory council to review the proposals and recommend to the State Board of Education an order of priority for funding the proposals.

(10) On or before February 15 of each year, each

participating institution shall submit to the Department of Education an interim report containing program expenditures and participant information as required in State Board of Education rules.

(11) On or before November 1 of each year, postsecondary educational institutions participating in the program shall submit to the Department of Education an end-of-the-year report on the effectiveness of their participation in the program. The end-of-the-year report must include, without limitation:

(a) A copy of the certificate-of-expenditures form showing expenditures by category, state grant funds, and institutional matching in cash and in-kind services.

(b) A listing of students participating in the program by grade level, gender, and race.

(c) A statement of how the program addresses the four program goals identified in paragraph (7)(e).

(d) A brief description and analysis of program characteristics and activities critical to program success.

(e) A description of the cooperation received from other units or organizations.

(f) An explanation of the program's outcomes, including data related to student performance on the measures provided for in paragraph (7)(f).

(12) By February 15 of each year, the Department of Education shall submit to the President of the Senate, the Speaker of the House of Representatives, the Commissioner of Education, and the Governor a report that evaluates the effectiveness of the college reach-out program. To the extent feasible, the performance of college reach-out program participants must be compared to the performance of comparable

1 cohorts of students in public school and postsecondary
2 education.
3 (13) Funding for the college reach-out program shall
4 be provided in the General Appropriations Act.
5 Section 365. Chapter 1008, Florida Statutes, shall be
6 entitled "Assessment and Accountability" and shall consist of
7 ss. 1008.01-1008.51.
8 Section 366. Part I of chapter 1008, Florida Statutes,
9 shall be entitled "Assessment, K-20" and shall consist of ss.
10 1008.21-1008.30.
11 Section 367. Effective upon this act becoming a law,
12 section 1008.21, Florida Statutes, is created to read:
13 1008.21 School readiness uniform screening
14 (kindergarten).--
15 (1) The Department of Education shall implement the
16 school readiness uniform screening developed by the Florida
17 Partnership for School Readiness, and shall require that all
18 school districts administer the kindergarten uniform screening
19 to each kindergarten student in the district school system
20 upon the student's entry into kindergarten.
21 (2)(a) The Department of Education shall implement the
22 school readiness uniform screening to validate the system
23 recommended by the Florida Partnership for School Readiness as
24 part of a comprehensive evaluation design. Beginning with the
25 2002-2003 school year, the department shall require that all
26 school districts administer the school readiness uniform
27 screening to each kindergarten student in the district school
28 system upon the student's entry into kindergarten. Children
29 who enter public school for the first time in first grade must
30 be administered the school readiness uniform screening adopted
31 for use in first grade. The department shall incorporate

school readiness data into the K-20 data warehouse for longitudinal tracking.

(b) The uniform screening shall provide objective data regarding the following expectations for school readiness which shall include, at a minimum:

1. The child's immunizations and other health requirements as necessary, including appropriate vision and hearing screening and examinations.

2. The child's physical development.

3. The child's compliance with rules, limitations, and routines.

4. The child's ability to perform tasks.

5. The child's interactions with adults.

6. The child's interactions with peers.

7. The child's ability to cope with challenges.

8. The child's self-help skills.

9. The child's ability to express his or her needs.

10. The child's verbal communication skills.

11. The child's problem-solving skills.

12. The child's ability to follow verbal directions.

13. The child's demonstration of curiosity, persistence, and exploratory behavior.

14. The child's interest in books and other printed materials.

15. The child's ability to pay attention to stories.

16. The child's participation in art and music activities.

17. The child's ability to identify colors, geometric shapes, letters of the alphabet, numbers, and spatial and temporal relationships.

Section 368. Section 1008.22, Florida Statutes, is

created to read:

1008.22 Student assessment program for public schools.--

(1) PURPOSE.--The primary purposes of the student assessment program are to provide information needed to improve the public schools by enhancing 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 accountability and recognition.

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

(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) NATIONAL EDUCATION COMPARISONS.--It is Florida's intent to participate in the measurement of national educational goals. The Commissioner of Education shall direct Florida 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 similar program being administered in Florida. 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 similar program shall be in addition to and separate from the administration of the statewide assessment program.

(3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall design and implement a statewide program of educational assessment that provides information for the improvement of the operation and management of the public schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. Pursuant to the statewide assessment program, the commissioner shall:

(a) Submit to the State Board of Education 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 as defined in s. 1000.21. 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 of Education 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. 1008.385 and student achievement information obtained pursuant to this section.

(c) Develop and implement a student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT) as part of the statewide assessment program, to be administered annually in grades 3 through 10 to measure reading, writing, science, and mathematics. Other content areas may be included as directed by the commissioner. The testing program must be designed so that:

1. The tests measure student skills and competencies adopted by the State Board of Education as specified in paragraph (a). The tests must measure and report student proficiency levels in reading, writing, mathematics, and science. 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 educational 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 testing program will include a combination of norm-referenced and criterion-referenced tests and include, to the extent determined by the commissioner, questions that

1 require the student to produce information or perform tasks in
2 such a way that the skills and competencies he or she uses can
3 be measured.
4 3. Each testing program, whether at the elementary,
5 middle, or high school level, includes a test of writing in
6 which students are required to produce writings that are then
7 scored by appropriate methods.
8 4. A score is designated for each subject area tested,
9 below which score a student's performance is deemed
10 inadequate. The school districts shall provide appropriate
11 remedial instruction to students who score below these levels.
12 5. Students must earn a passing score on the grade 10
13 assessment test described in this paragraph in reading,
14 writing, and mathematics to qualify for a regular high school
15 diploma. The State Board of Education shall designate a
16 passing score for each part of the grade 10 assessment test.
17 In establishing passing scores, the state board shall consider
18 any possible negative impact of the test on minority students.
19 All students who took the grade 10 FCAT during the 2000-2001
20 school year shall be required to earn the passing scores in
21 reading and mathematics established by the State Board of
22 Education for the March 2001 test administration. Such
23 students who did not earn the established passing scores and
24 must repeat the grade 10 FCAT are required to earn the passing
25 scores established for the March 2001 test administration.
26 All students who take the grade 10 FCAT for the first time in
27 March 2002 and thereafter shall be required to earn the
28 passing scores in reading and mathematics established by the
29 State Board of Education for the March 2002 test
30 administration. The State Board of Education shall adopt
31 rules which specify the passing scores for the grade 10 FCAT.

Any such rules, which have the effect of raising the required passing scores, shall only apply to students taking the grade 10 FCAT after such rules are adopted by the State Board of Education.

6. Participation in the testing program is mandatory for all students attending public school, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the commissioner. If a student does not participate in the statewide assessment, the district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. If modifications are made in the student's instruction to provide accommodations that would not be permitted on the statewide assessment tests, the district must notify the student's parent of the implications of such instructional modifications. A parent must provide signed consent for a student to receive instructional modifications that would not be permitted on the statewide assessments and must acknowledge in writing that he or she understands the implications of such accommodations. The State Board of Education shall adopt rules, based upon recommendations of the commissioner, for the provision of test accommodations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency. Accommodations that negate the validity of a statewide assessment are not allowable.

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

8. District school boards must provide instruction to prepare students to demonstrate proficiency in the skills and

1 competencies necessary for successful grade-to-grade
2 progression and high school graduation. If a student is
3 provided with accommodations or modifications that are not
4 allowable in the statewide assessment program, as described in
5 the test manuals, the district must inform the parent in
6 writing and must provide the parent with information regarding
7 the impact on the student's ability to meet expected
8 proficiency levels in reading, writing, and math. The
9 commissioner shall conduct studies as necessary to verify that
10 the required skills and competencies are part of the district
11 instructional programs.
12 9. The Department of Education must develop, or
13 select, and implement a common battery of assessment tools
14 that will be used in all juvenile justice programs in the
15 state. These tools must accurately measure the skills and
16 competencies established in the Florida Sunshine State
17 Standards.
18
19 The commissioner may design and implement student testing
20 programs, for any grade level and subject area, necessary to
21 effectively monitor educational achievement in the state.
22 (d) Conduct ongoing research to develop improved
23 methods of assessing student performance, including, without
24 limitation, the use of technology to administer tests, score,
25 or report the results of, the use of electronic transfer of
26 data, the development of work-product assessments, and the
27 development of process assessments.
28 (e) Conduct ongoing research and analysis of student
29 achievement data, including, without limitation, monitoring
30 trends in student achievement, identifying school programs
31 that are successful, and analyzing correlates of school

achievement.

(f) 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.

(4) DISTRICT TESTING PROGRAMS.--Each district school board 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 statewide assessment program designed to measure annual student learning and school performance. All district school boards shall report assessment results as required by the state management information system.

(5) SCHOOL TESTING PROGRAMS.--Each public school shall participate in the statewide assessment program, unless specifically exempted by state board rule based on serving a specialized population for which standardized testing is not appropriate. Student performance data shall be analyzed 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. 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. 1008.385 and the development of the programs of remediation.

(6) REQUIRED ANALYSES.--The commissioner shall provide, at a minimum, for the following analyses of data produced by the student achievement testing program:

(a) The statistical system for the annual assessments shall use measures of student learning, such as the FCAT, to determine teacher, school, and school district statistical distributions, which 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 compared to the current year achievement for the purposes of accountability and recognition.

(b) The statistical system shall provide the best estimates of teacher, school, and school district effects on student progress. The approach used by the department shall be approved by the commissioner before implementation.

(c) 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. The commissioner shall establish a schedule for the administration of the statewide assessments. In establishing such schedule, the commissioner is charged with the duty to accomplish the latest possible administration of the statewide assessments and the earliest possible provision of the results to the school districts feasible within available technology and specific appropriation. District school boards shall not establish school calendars that jeopardize or limit the valid testing and comparison of student learning gains.

(7) LOCAL ASSESSMENTS.--Measurement of the learning

gains of students in all subjects and grade levels other than subjects and grade levels required for the state student achievement testing program is the responsibility of the school districts.

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

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

Section 369. Section 1008.23, Florida Statutes, is created to read:

1008.23 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. 1003.43, 1008.22, and 1008.25 shall be confidential and exempt from the provisions of s. 119.07(1) and from s. 1001.52. Provisions governing access, maintenance, and destruction of such instruments and related materials shall be prescribed by rules of the State Board of Education.

Section 370. Section 1008.24, Florida Statutes, is created to read:

1008.24 Test security.--

(1) It is unlawful for anyone knowingly and willfully to violate test security rules adopted by the State Board 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

1 administered by school districts pursuant to s. 1008.22, or,
2 with respect to any such test, knowingly and willfully to:
3 (a) Give examinees access to test questions prior to
4 testing;
5 (b) Copy, reproduce, or use in any manner inconsistent
6 with test security rules all or any portion of any secure test
7 booklet;
8 (c) Coach examinees during testing or alter or
9 interfere with examinees' responses in any way;
10 (d) Make answer keys available to examinees;
11 (e) Fail to follow security rules for distribution and
12 return of secure test as directed, or fail to account for all
13 secure test materials before, during, and after testing;
14 (f) Fail to follow test administration directions
15 specified in the test administration manuals; or
16 (g) Participate in, direct, aid, counsel, assist in,
17 or encourage any of the acts prohibited in this section.
18 (2) Any person who violates this section commits a
19 misdemeanor of the first degree, punishable as provided in s.
20 775.082 or s. 775.083.
21 (3) A district school superintendent, a president of a
22 public postsecondary educational institution, or a president
23 of a nonpublic postsecondary educational institution shall
24 cooperate with the Commissioner of Education in any
25 investigation concerning the administration of a test
26 administered pursuant to state statute or rule.
27 Section 371. Section 1008.25, Florida Statutes, is
28 created to read:
29 1008.25 Public school student progression; remedial
30 instruction; reporting requirements.--
31 (1) INTENT.--It is the intent of the Legislature that

each student's progression from one grade to another be determined, in part, upon proficiency in reading, writing, science, and mathematics; that district school board policies facilitate such proficiency; and that each student and his or her parent be informed of that student's academic progress.

(2) COMPREHENSIVE PROGRAM.--Each district school board shall establish a comprehensive program for student progression which must include:

(a) Standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the commissioner, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

(c) Appropriate alternative placement for a student who has been retained 2 or more years.

(3) ALLOCATION OF RESOURCES.--District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students who are deficient in reading by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the district school board's plan for student progression required in paragraph (2)(b).

(4) ASSESSMENT AND REMEDIATION.--

1 (a) Each student must participate in the statewide
2 assessment tests required by s. 1008.22. Each student who does
3 not meet specific levels of performance as determined by the
4 district school board in reading, writing, science, and
5 mathematics for each grade level, or who does not meet
6 specific levels of performance as determined by the
7 commissioner on statewide assessments at selected grade
8 levels, must be provided with additional diagnostic
9 assessments to determine the nature of the student's
10 difficulty and areas of academic need.
11 (b) The school in which the student is enrolled must
12 develop, in consultation with the student's parent, and must
13 implement an academic improvement plan designed to assist the
14 student in meeting state and district expectations for
15 proficiency. Beginning with the 2002-2003 school year, if the
16 student has been identified as having a deficiency in reading,
17 the academic improvement plan shall identify the student's
18 specific areas of deficiency in phonemic awareness, phonics,
19 fluency, comprehension, and vocabulary; the desired levels of
20 performance in these areas; and the instructional and support
21 services to be provided to meet the desired levels of
22 performance. Schools shall also provide for the frequent
23 monitoring of the student's progress in meeting the desired
24 levels of performance. District school boards shall assist
25 schools and teachers to implement research-based reading
26 activities that have been shown to be successful in teaching
27 reading to low-performing students. Remedial instruction
28 provided during high school may not be in lieu of English and
29 mathematics credits required for graduation.
30 (c) Upon subsequent evaluation, if the documented
31 deficiency has not been remediated in accordance with the

academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

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

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

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

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

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

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

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

(6) ELIMINATION OF SOCIAL PROMOTION.--

(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

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

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.

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

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

4. Students who demonstrate, through a student

portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

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

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

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork

requirements, such documentation shall consist only of the existing academic improvement plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained. If the school principal determines that the student should be promoted, the school principal shall make such recommendation in writing to the district school superintendent. The district school superintendent shall accept or reject the school principal's recommendation in writing.

(7) ANNUAL REPORT.--

(a) In addition to the requirements in paragraph (5)(b), each district school board must annually report to the parent of each student the progress of the student towards achieving state and district expectations for proficiency in reading, writing, science, and mathematics. The district school board must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, district and state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the district school board.

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

1. The provisions of this section relating to public school student progression and the district school board's

policies and procedures on student retention and promotion.

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

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

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

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

(8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

(a) The State Board of Education shall have authority as provided in s. 1008.32 to enforce this section.

(b) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 for the administration of this section.

(9) TECHNICAL ASSISTANCE.--The department shall provide technical assistance as needed to aid district school boards in administering this section.

Section 372. Section 1008.29, Florida Statutes, is created to read:

1008.29 College-level communication and mathematics skills examination (CLAST).--

(1) It is the intent of the Legislature that the examination of college-level communication and mathematics skills provided in s. 1008.345(3) serve as a mechanism for students to demonstrate that they have mastered the academic competencies prerequisite to upper-division undergraduate instruction. It is further intended that the examination serve as both a summative evaluation instrument prior to

student enrollment in upper-division programs and as a source of information for student advisers. It is not intended that student passage of the examination supplant the need for a student to complete the general education curriculum prescribed by an institution.

(2) Public postsecondary educational institutions shall administer a minimum of two administrations, one of which may consist of an alternative administration, of the college-level communication and computation skills examination per academic term. Such administrations shall be available to all lower-division students seeking associate in arts or baccalaureate degrees upon completion of at least 18 semester hours or the equivalent. Public postsecondary educational institutions shall report at a minimum the examination scores of all students tested at each administration of the college-level communication and computation skills examination.

(3) No public postsecondary educational institution shall confer an associate in arts or baccalaureate degree upon any student who fails to complete successfully the examination of college-level communication and computation skills. Students who received their associate in arts degree prior to September 1, 1982, shall be exempt from the provisions of this subsection.

(4) The State Board of Education, by rule, shall set the minimum scores that constitute successful completion of the examination. In establishing the minimum scores that constitute successful completion of the examination, the State Board of Education shall consider any possible negative impact of the tests on minority students. Determinations regarding a student's successful completion of the examination shall be

based on the minimum standards prescribed by rule for the date the student initially takes the examination.

(5) Any student who, in the best professional opinion of the university, has a specific learning disability such that the student can not demonstrate successful completion of one or more sections of the college-level communication and computation skills examination and is achieving at the college level in every area except that of the disability, and whose diagnosis indicates that further remediation will not succeed in overcoming the disability, may appeal through the appropriate dean to a committee appointed by the president or vice president for academic affairs for special consideration. The committee shall examine the evidence of the student's academic and medical records and may hear testimony relevant to the case. The committee may grant a waiver for one or more sections of the college-level communication and computation skills examination based on the results of its review.

(6) Each public postsecondary educational institution president shall establish a committee to consider requests for waivers from the provisions of subsection (3). The committee shall be chaired by the chief academic officer of the institution and shall have four additional members appointed by the president: a member of the mathematics department, a member of the English department, the institutional test administrator, and a fourth faculty member from a department other than English or mathematics. Any student who has taken a subtest of the examination required by this section at least four times and has not achieved a passing score, but has otherwise demonstrated proficiency in coursework in the same subject area, may request a waiver from that particular subtest. Waivers shall be considered only after students have

been provided test accommodations or other administrative adjustments to permit the accurate measurement of the student's proficiency in the subject areas measured by the examination authorized in this section. The committee shall consider the student's educational records and other evidence as to whether the student should be able to pass the subtest under consideration. A waiver may be recommended to the president upon majority vote of the committee. The president may approve or disapprove the recommendation. The president may not approve a request which the committee has disapproved. If a waiver for a given subtest is approved, the student's transcript shall include a statement that the student did not meet the requirements of subsection (3) and that a waiver was granted.

(7) The State Board of Education, by rule, shall establish fees for the administration of the examination to private postsecondary students.

(8) The State Board of Education, by rule, shall establish fees for the administration of the examination at times other than regularly scheduled dates to accommodate examinees who are unable to be tested on those dates. The board shall establish the conditions under which examinees may be admitted to the special administrations.

(9) Any student fulfilling one or both of the following requirements before completion of associate in arts degree requirements or baccalaureate degree requirements is exempt from the testing requirements of this section:

(a) Achieves a score that meets or exceeds a minimum score on a nationally standardized examination, as established by the State Board of Education; or

(b) Demonstrates successful remediation of any

academic deficiencies identified by the college placement test and achieves a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level coursework identified by the State Board of Education. The Department of Education shall specify the means by which a student may demonstrate successful remediation.

Any student denied a degree prior to January 1, 1996, based on the failure of at least one subtest of the CLAST may use either of the alternatives specified in this subsection for receipt of a degree if such student meets all degree program requirements at the time of application for the degree under the exemption provisions of this subsection. This section does not require a student to take the CLAST before being given the opportunity to use any of the alternatives specified in this subsection. The exemptions provided herein do not apply to requirements for certification as provided in s. 1012.56.

Section 373. Section 1008.30, Florida Statutes, is created to read:

1008.30 Common placement testing for public postsecondary education.--

(1) The State Board of Education shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. The State Board of Education shall adopt rules which enable public postsecondary educational institutions to implement appropriate modifications of the test instruments or test procedures for students with disabilities.

(2) The common placement testing program shall include

at a minimum the following: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work; prerequisite skills that relate to progressively advanced instruction in mathematics, such as algebra and geometry; prerequisite skills that relate to progressively advanced instruction in language arts, such as English composition and literature; prerequisite skills which relate to the College Level Academic Skills Test (CLAST); and provision of test information to students on the specific deficiencies.

(3) The State Board of Education shall adopt rules that would require high schools to give the common placement test prescribed in this section, or an equivalent test identified by the State Board of Education, at the beginning of the tenth grade year before enrollment in the eleventh grade year in public high school for the purpose of obtaining remedial instruction prior to entering public postsecondary education.

(4)(a) Public postsecondary educational institution students who have been identified as requiring additional preparation pursuant to subsection (1) shall enroll in college-preparatory or other adult education pursuant to s. 1004.93 in community colleges to develop needed college-entry skills. These students shall be permitted to take courses within their degree program concurrently in other curriculum areas for which they are qualified while enrolled in college-preparatory instruction courses. A student enrolled in a college-preparatory course may concurrently enroll only in college credit courses that do not require the skills addressed in the college-preparatory course. The State Board of Education shall specify the college credit courses that are

1 acceptable for students enrolled in each college-preparatory
2 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
3 to earn an associate in arts or a baccalaureate degree, but
4 who is required to complete a college-preparatory course, must
5 successfully complete the required college-preparatory studies
6 by the time the student has accumulated 12 hours of
7 lower-division college credit degree coursework; however, a
8 student may continue enrollment in degree-earning coursework
9 provided the student maintains enrollment in
10 college-preparatory coursework for each subsequent semester
11 until college-preparatory coursework requirements are
12 completed, and the student demonstrates satisfactory
13 performance in degree-earning coursework. A passing score on
14 a standardized, institutionally developed test must be
15 achieved before a student is considered to have met basic
16 computation and communication skills requirements; however, no
17 student shall be required to retake any test or subtest that
18 was previously passed by said student. Credit awarded for
19 college-preparatory instruction may not be counted towards
20 fulfilling the number of credits required for a degree.
21 (b) The university board of trustees may contract with
22 a community college board of trustees for the community
23 college to provide such instruction on the state university
24 campus. Any state university in which the percentage of
25 incoming students requiring college-preparatory instruction
26 equals or exceeds the average percentage of such students for
27 the community college system may offer college-preparatory
28 instruction without contracting with a community college;
29 however, any state university offering college-preparatory
30 instruction as of January 1, 1996, may continue to provide
31 such services.

(5) A student may not be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the section of the basic computation and communication skills assessment required pursuant to subsection (1) that is appropriate for successful student participation in the course.

Section 374. Part II of chapter 1008, Florida Statutes, shall be entitled "Accountability, K-20" and shall consist of ss. 1008.31-1008.46.

Section 375. Section 1008.31, Florida Statutes, is created to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; performance-based funding; mission, goals, and systemwide measures.--

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

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

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

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

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

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

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

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

(2) PERFORMANCE-BASED FUNDING.--The State Board of Education shall cooperate with the Commissioner of Education and each delivery system to develop proposals for performance-based funding, using performance measures established by the Legislature. The proposals must provide that at least 10 percent of the state funds appropriated for the K-20 education system are conditional upon meeting or exceeding established performance standards. The State Board of Education must submit the recommendations to the Legislature in the following sequence:

(a) By December 1, 2002, recommendations for state universities, for consideration by the 2003 Legislature and implementation in the 2003-2004 fiscal year.

(b) By December 1, 2003, recommendations for public schools and workforce education, for consideration by the 2004 Legislature and implementation in the 2004-2005 fiscal year.

(c) By December 1, 2004, recommendations for community colleges, for consideration by the 2005 Legislature and

implementation in the 2005-2006 fiscal year.

(d) By December 1, 2005, recommendations for all other programs that receive state funds within the Department of Education.

(3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The mission of Florida's K-20 education system shall be to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities, and to maintain an accountability system that measures student progress toward the following goals:

(a) Highest student achievement, as measured by: student FCAT performance and annual learning gains; the number and percentage of schools that improve at least one school performance grade designation or maintain a school performance grade designation of "A" pursuant to s. 1008.34; graduation or completion rates at all learning levels; and other measures identified in law or rule.

(b) Seamless articulation and maximum access, as measured by: the percentage of students who demonstrate readiness for the educational level they are entering, from kindergarten through postsecondary education and into the workforce; the number and percentage of students needing remediation; the percentage of Floridians who complete associate, baccalaureate, professional, and postgraduate degrees; the number and percentage of credits that articulate; the extent to which each set of exit-point requirements matches the next set of entrance-point requirements; and other measures identified in law or rule.

(c) Skilled workforce and economic development, as

measured by: the number and percentage of graduates employed in their areas of preparation; the percentage of Floridians with high school diplomas and postsecondary education credentials; the percentage of business and community members who find that Florida's graduates possess the skills they need; and other measures identified in law or rule.

(d) Quality efficient services, as measured by: cost per completer or graduate; average cost per noncompleter at each educational level; cost disparity across institutions offering the same degrees; the percentage of education customers at each educational level who are satisfied with the education provided; and other measures identified in law or rule.

(4) SYSTEMWIDE DATA COLLECTION.--School districts and public postsecondary educational institutions shall maintain information systems that will provide the State Board of Education and the Legislature with information and reports at a level of comprehensiveness and quality no less than that which was available as of June 30, 2001.

Section 376. Section 1008.32, Florida Statutes, is created to read:

1008.32 State Board of Education oversight enforcement authority.--The State Board of Education shall oversee the performance of district school boards and public postsecondary educational institution boards in enforcement of all laws and rules. District school boards and public postsecondary educational institution boards shall be primarily responsible for compliance with law and state board rule.

(1) In order to ensure compliance with law or state board rule, the State Board of Education shall have the authority to request and receive information, data, and

reports from school districts and public postsecondary educational institutions. District school superintendents and public postsecondary educational institution presidents are responsible for the accuracy of the information and data reported to the state board.

(2) The Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause, the commissioner shall report to the State Board of Education which shall require the district school board or public postsecondary educational institution board to document compliance with law or state board rule.

(3) If the district school board or public postsecondary educational institution board cannot satisfactorily document compliance, the State Board of Education may order compliance within a specified timeframe.

(4) If the State Board of Education determines that a district school board or public postsecondary educational institution board is unwilling or unable to comply with law or state board rule within the specified time, the state board shall have the authority to initiate any of the following actions:

(a) Report to the Legislature that the school district or public postsecondary educational institution has been unwilling or unable to comply with law or state board rule and recommend action to be taken by the Legislature.

(b) Reduce the discretionary lottery appropriation until the school district or public postsecondary education institution complies with the law or state board rule.

(c) Withhold the transfer of state funds, discretionary grant funds, or any other funds specified as eligible for this purpose by the Legislature until the school

district or public postsecondary educational institution complies with the law or state board rule.

(d) Declare the school district or public postsecondary educational institution ineligible for competitive grants.

(e) Require monthly or periodic reporting on the situation related to noncompliance until it is remedied.

(5) Nothing in this section shall be construed to create a private cause of action or create any rights for individuals or entities in addition to those provided elsewhere in law or rule.

Section 377. Section 1008.33, Florida Statutes, is created to read:

1008.33 Authority to enforce public school improvement.--It is the intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, 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 intervene in the operation of a district school system when one or more schools in the school district have failed to make adequate progress for 2 school years in a 4-year period. For purposes of determining when a

school is eligible for state board action and opportunity scholarships for its students, the terms "2 years in any 4-year period" and "2 years in a 4-year period" mean that in any year that a school has a grade of "F," the school is eligible for state board action and opportunity scholarships for its students if it also has had a grade of "F" in any of the previous 3 school years. The State Board of Education may determine that the school district or school has not taken steps sufficient for students in the school to be academically well served. Considering recommendations of the Commissioner of Education, the State Board of Education shall recommend action to a district school board intended to improve educational services to students in each school that is designated as performance grade category "F." 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 include student mobility rates, the number and type of exceptional students enrolled in the school, and the availability of options for improved educational services. The state board shall adopt by rule steps to follow in this process. Such steps shall provide school districts sufficient time to improve student performance in schools and the opportunity to present evidence of assistance and interventions that the district school board has implemented.

(2) The State Board of Education may recommend one or more of the following actions to district school boards to enable students in schools designated as performance grade category "F" to be academically 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 school principal who is authorized to hire new staff and implement a plan that addresses the causes of inadequate progress;

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

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

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

(4) The State Board of Education may 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 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 performance. The State Board of Education may impose the same penalty on any district school board that fails to develop and implement a

plan for assistance and intervention for low-performing schools as specified in s. 1001.42(16)(c).

Section 378. Section 1008.34, Florida Statutes, is created to read:

1008.34 School grading system; district performance grade.--

(1) ANNUAL REPORTS.--The Commissioner of Education 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 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. 1002.22 pertaining to student records apply to this section.

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

(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.

Each school designated in performance grade category "A,"

making excellent progress, or having improved at least two performance grade categories, shall have greater authority over the allocation of the school's total budget generated from the FEFP, state categoricals, lottery funds, grants, and local funds, as specified in state board rule. The rule must provide that the increased budget authority shall remain in effect until the school's performance grade declines.

(3) DESIGNATION OF SCHOOL PERFORMANCE GRADE CATEGORIES.--School performance grade category designations itemized in subsection (2) shall be based on the following:

(a) Timeframes.--

1. School performance grade category designations shall be based on the school's current year performance and the school's annual learning gains.

2. A school's performance grade category designation shall be based on a combination of student achievement scores, student learning gains as measured by annual FCAT assessments in grades 3 through 10, and improvement of the lowest 25th percentile of students in the school in reading, math, or writing on the FCAT, unless these students are performing above satisfactory performance.

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

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

2. The aggregate scores of all eligible students enrolled in the school who have been assessed on the FCAT, including Florida Writes, and who have scored at or in the lowest 25th percentile of students in the school in reading, math, or writing, unless these students are performing above

1 satisfactory performance.
2
3 The Department of Education shall study the effects of
4 mobility on the performance of highly mobile students and
5 recommend programs to improve the performance of such
6 students. The State Board of Education shall adopt appropriate
7 criteria for each school performance grade category. The
8 criteria must also give added weight to student achievement in
9 reading. Schools designated as performance grade category "C,"
10 making satisfactory progress, shall be required to demonstrate
11 that adequate progress has been made by students in the school
12 who are in the lowest 25th percentile in reading, math, or
13 writing on the FCAT, including Florida Writes, unless these
14 students are performing above satisfactory performance.
15 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
16 shall identify each school's performance as having improved,
17 remained the same, or declined. This school improvement rating
18 shall be based on a comparison of the current year's and
19 previous year's student and school performance data. Schools
20 that improve at least one performance grade category are
21 eligible for school recognition awards pursuant to s. 1008.36.
22 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
23 RATING REPORTS.--School performance grade category
24 designations and improvement ratings shall apply to each
25 school's performance for the year in which performance is
26 measured. Each school's designation and rating shall be
27 published annually by the Department of Education and the
28 school district. Parents shall be entitled to an easy-to-read
29 report card about the designation and rating of the school in
30 which their child is enrolled.
31 (6) RULES.--The State Board of Education shall adopt

rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this section.

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

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

Section 379. Section 1008.345, Florida Statutes, is created to read:

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

(1) The Commissioner of Education is responsible for implementing and maintaining a system of intensive school improvement and stringent education accountability, which shall include policies and programs to implement the following:

(a) A system of data collection and analysis that will improve information about the educational success of individual students and schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs. The information and analyses must be capable of identifying educational programs or activities in need of improvement, and reports prepared pursuant to this paragraph shall be distributed to the

appropriate district school boards prior to distribution to the general public. This provision shall not preclude access to public records as provided in chapter 119.

(b) A program of school improvement that will analyze information to identify schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, educational programs, or educational activities in need of improvement.

(c) A method of delivering services to assist school districts and schools to improve, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs.

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

(2) The commissioner shall be held responsible for the implementation and maintenance of the system of school improvement and education accountability outlined in this section. 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.

(3) The annual feedback report shall be developed by the Department of Education.

(4) The commissioner shall review each district school board's feedback report and submit 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.

(5) The commissioner shall report to the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. Included in the report shall be a list of the schools, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for which district 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 subsection and s. 1001.42(16)(e) and according to rules adopted by the State Board of Education.

(6)(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, including any school operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, school advisory council, district, or district 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, including schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, does not have an approved school improvement plan, pursuant to s. 1001.42(16), after 1 full school year of planning and development, or does not comply with school advisory council membership composition requirements pursuant to s. 1001.452. 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.

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

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

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

(8) As a part of the system of educational accountability, the Department of Education shall:

(a) Develop minimum performance standards for various grades and subject areas, as required in ss. 1001.03, 1008.22, and 1008.34.

(b) Administer the statewide assessment testing program created by s. 1008.22.

(c) Review the school advisory councils of each district as required by s. 1001.452.

(d) Conduct the program evaluations required by s. 1001.03.

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

(f) 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.

(g) Maintain for the information of the State Board of Education and the Legislature a file of data to reflect

achievement of college-level communication and mathematics competencies by students in state universities and community colleges.

(h) 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 mathematics 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 state university or community college. The state board, upon recommendation of the commissioner, may 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.

(i) 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 380. Section 1008.35, Florida Statutes, is created to read:

1008.35 Best financial management practices for school districts; standards; reviews; designation of school districts.--

(1) The purpose of best financial management practices reviews is to improve Florida school district management and use of resources and to identify cost savings. The Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of the Auditor General are directed to develop a system for reviewing the financial management practices of

school districts. In this system, the Auditor General shall assist OPPAGA in examining district operations to determine whether they meet "best financial management practices."

(2) The best financial management practices adopted by the Commissioner of Education may be updated periodically after consultation with the Legislature, the Governor, the Department of Education, school districts, and the Auditor General. OPPAGA shall submit to the Commissioner of Education for review and adoption proposed revisions to the best financial management practices adopted by the commissioner. The best financial management practices, at a minimum, must instill public confidence by addressing the school district's use of resources, identifying ways that the district could save funds, and improving districts' performance accountability systems, including public accountability. To achieve these objectives, best practices shall be developed for, but need not be limited to, the following areas:

(a) Management structures.

(b) Performance accountability.

(c) Efficient delivery of educational services, including instructional materials.

(d) Administrative and instructional technology.

(e) Personnel systems and benefits management.

(f) Facilities construction.

(g) Facilities maintenance.

(h) Student transportation.

(i) Food service operations.

(j) Cost control systems, including asset management, risk management, financial management, purchasing, internal auditing, and financial auditing.

In areas for which the commissioner has not adopted best practices, OPPAGA may develop additional best financial management practices, with input from a broad range of stakeholders. OPPAGA shall present any additional best practices to the commissioner for review and adoption. Revised best financial management practices adopted by the commissioner must be used in the next year's scheduled school district reviews conducted according to this section.

(3) OPPAGA shall contract with a private firm selected through a formal request for proposal process to perform the review, to the extent that funds are provided for this purpose in the General Appropriations Act each year. When sufficient funds are not provided to contract for all the scheduled best financial management practices reviews, OPPAGA shall conduct the remaining reviews scheduled for that year, except as otherwise provided in this act. At least one member of the private firm review team shall have expertise in school district finance. The scope of the review shall focus on the best practices adopted by the Commissioner of Education, pursuant to subsection (2). OPPAGA may include additional items in the scope of the review after seeking input from the school district and the Department of Education.

(4) OPPAGA shall consult with the Commissioner of Education throughout the best practices review process to ensure that the technical expertise of the Department of Education benefits the review process and supports the school districts before, during, and after the review.

(5) It is the intent of the Legislature that each school district shall be subject to a best financial management practices review. The Legislature also intends that all school districts shall be reviewed on a continuing 5-year

cycle, as follows, unless specified otherwise in the General Appropriations Act, or as provided in this section:

(a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa, Alachua, St. Lucie, Santa Rosa, Hernando, Indian River, Monroe, Osceola, and Bradford.

(b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia, Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden, and Franklin.

(c) Year 3: Palm Beach, Orange, Seminole, Lee, Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie, Liberty, and Lafayette.

(d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay, Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee, Hardee, DeSoto, and Glades.

(e) Year 5: Broward, Polk, Brevard, Lake, St. Johns, Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes, Washington, and Calhoun.

(6)(a) The Joint Legislative Auditing Committee may adjust the schedule of districts to be reviewed when unforeseen circumstances prevent initiation of reviews scheduled in a given year.

(b) Once the 5-year cycle has been completed, reviews shall continue, beginning again with those districts included in year one of the cycle unless a district has requested and received a waiver as provided in subsection (17).

(7) At the direction of the Joint Legislative Auditing Committee or the President of the Senate and the Speaker of the House of Representatives, and subject to funding by the Legislature, OPPAGA may conduct, or contract with a private firm to conduct, up to two additional best financial management practices reviews in districts not scheduled for

review during that year if such review is necessary to address adverse financial conditions.

(8) Reviews shall be conducted by OPPAGA and the consultant to the extent specifically funded by the Legislature in the General Appropriations Act for this purpose. Such funds may be used for the cost of reviews by OPPAGA and private consultants contracted by the director of OPPAGA. Costs may include professional services, travel expenses of OPPAGA and staff of the Auditor General, and any other necessary expenses incurred as part of a best financial management practices review.

(9) Districts scheduled for review must complete a self-assessment instrument provided by OPPAGA which indicates the school district's evaluation of its performance on each best practice. The district must begin the self-assessment not later than 60 days prior to the commencement of the review. The completed self-assessment instrument and supporting documentation must be submitted to OPPAGA not later than the date of commencement of the review as notified by OPPAGA. The best practice review team will use this self-assessment information during their review of the district.

(10) During the review, OPPAGA and the consultant conducting the review, if any, shall hold at least one advertised public forum as part of the review in order to explain the best financial management practices review process and obtain input from students, parents, the business community, and other district residents regarding their concerns about the operations and management of the school district.

(11) District reviews conducted under this section must be completed within 6 months after commencement. OPPAGA

shall issue a final report to the President of the Senate, the Speaker of the House of Representatives, and the district regarding the district's use of best financial management practices and cost savings recommendations within 60 days after completing the reviews. Copies of the final report shall be provided to the Governor, the Commissioner of Education, and to the chairs of school advisory councils and district advisory councils established pursuant to s. 229.58(1)(a) and (b). The district school board shall notify all members of the school advisory councils and district advisory council by mail that the final report has been delivered to the school district and to the council chairs. The notification shall also inform members of the OPPAGA website address at which an electronic copy of the report is available.

(12) After receipt of the final report and before the district school board votes whether to adopt the action plan, or if no action plan was required because the district was found to be using the best practices, the district school board shall hold an advertised public forum to accept public input and review the findings and recommendations of the report. The district school board shall advertise and promote this forum in a manner appropriate to inform school and district advisory councils, parents, school district employees, the business community, and other district residents of the opportunity to attend this meeting. OPPAGA and the consultant, if any, shall also be represented at this forum.

(13)(a) If the district is found not to conform to best financial management practices, the report must contain an action plan detailing how the district could meet the best practices within 2 years. The district school board must

decide, by a majority plus one vote within 90 days after receipt of the final report, whether or not to implement the action plan and pursue a "Seal of Best Financial Management" awarded by the State Board of Education to qualified school districts. If a district fails to vote on the action plan within 90 days, district school board members may be required to appear and present testimony before a legislative committee, pursuant to s. 11.143.

(b) The district school board may vote to reverse a decision not to implement an action plan, provided that the action plan is implemented and there is still sufficient time, as determined by the district school board, to meet the best practices within 2 years after issuance of the final report.

(c) Within 90 days after the receipt of the final report, the district school board must notify OPPAGA and the Commissioner of Education in writing of the date and outcome of the district school board vote on whether to adopt the action plan. If the district school board fails to vote on whether to adopt the action plan, the district school superintendent must notify OPPAGA and the Commissioner of Education. The Department of Education may contact the school district, assess the situation, urge the district school board to vote, and offer technical assistance, if needed.

(14) If a district school board votes to implement the action plan:

(a) No later than 1 year after receipt of the final report, the district school board must submit an initial status report to the President of the Senate, the Speaker of the House of Representatives, the Governor, OPPAGA, the Auditor General, the State Board of Education, and the Commissioner of Education on progress made towards

implementing the action plan and whether changes have occurred in other areas of operation that would affect compliance with the best practices.

(b) A second status report must be submitted by the school district to the President of the Senate, the Speaker of the House of Representatives, the Governor, OPPAGA, the Auditor General, the Commissioner of Education, and the State Board of Education no later than 1 year after submission of the initial report.

Status reports are not required once OPPAGA concludes that the district is using best practices.

(15) After receipt of each of a district's two status reports required by subsection (14), OPPAGA shall assess the district's implementation of the action plan and progress toward implementing the best financial management practices in areas covered by the plan. Following each assessment, OPPAGA shall issue a report to the President of the Senate, the Speaker of the House of Representatives, and the district indicating whether the district has successfully implemented the best financial management practices. Copies of the report must be provided to the Governor, the Auditor General, the Commissioner of Education, and the State Board of Education. If a district has failed to implement an action plan adopted pursuant to subsection (13), district school board members and the district school superintendent may be required to appear before a legislative committee, pursuant to s. 11.143, to present testimony regarding the district's failure to implement such action plan.

(16) District school boards that successfully implement the best financial management practices within 2

1 years, or are determined in the review to be using the best
2 practices, are eligible to receive a "Seal of Best Financial
3 Management." Upon notification to the Commissioner of
4 Education and the State Board of Education by OPPAGA that a
5 district has been found to be using the best financial
6 management practices, the State Board of Education shall award
7 that district a "Seal of Best Financial Management" certifying
8 that the district is adhering to the state's best financial
9 management practices. The State Board of Education designation
10 shall be effective for 5 years from the certification date or
11 until the next review is completed, whichever is later. During
12 the designation period, the district school board shall
13 annually, not later than the anniversary date of the
14 certification, notify OPPAGA, the Auditor General, the
15 Commissioner of Education, and the State Board of Education of
16 any changes in policies or operations or any other situations
17 that would not conform to the state's best financial
18 management practices. The State Board of Education may revoke
19 the designation of a district school board at any time if it
20 determines that a district is no longer complying with the
21 state's best financial management practices. If no such
22 changes have occurred and the district school board determines
23 that the school district continues to conform to the best
24 financial management practices, the district school board
25 shall annually report that information to the State Board of
26 Education, with copies to OPPAGA, the Auditor General, and the
27 Commissioner of Education.
28 (17)(a) A district school board that has been awarded
29 a "Seal of Best Financial Management" by the State Board of
30 Education and has annually reported to the State Board of
31 Education that the district is still conforming to the best

financial management practices may request a waiver from undergoing its next scheduled Best Financial Management Practices review.

(b) To apply for such waiver, not later than September 1 of the fiscal year prior to the fiscal year in which the district is next scheduled for review, the district school board shall certify to OPPAGA and the Department of Education the district school board's determination that the school district is still conforming to the best financial management practices.

(c) After consultation with the Department of Education and review of the district school board's determination, OPPAGA may recommend to the Legislative Budget Commission that the district be granted a waiver for the next scheduled Best Financial Management Practices review. If approved for waiver, OPPAGA shall notify the school district and the Department of Education that no review of that district will be conducted during the next scheduled review cycle. In that event, the district school board must continue annual reporting to the State Board of Education as required in subsection (16). District school boards granted a waiver for one review cycle are not eligible for waiver of the next scheduled review cycle.

(18) District school boards that receive a best financial management practices review must maintain records that will enable independent verification of the implementation of the action plan and any related fiscal impacts.

(19) Unrestricted cost savings resulting from implementation of the best financial management practices must be spent at the school and classroom levels for teacher

salaries, teacher training, improved classroom facilities, student supplies, textbooks, classroom technology, and other direct student instruction activities. Cost savings identified for a program that has restrictive expenditure requirements shall be used for the enhancement of the specific program.

Section 381. Section 1008.36, Florida Statutes, is created to read:

1008.36 Florida School Recognition Program.--

(1) The Legislature finds that there is a need for a performance incentive program for outstanding faculty and staff in highly productive schools. The Legislature further finds that performance-based incentives are commonplace in the private sector and should be infused into the public sector as a reward for productivity.

(2) The Florida School Recognition Program is created to provide financial awards to public schools that:

(a) Sustain high performance by receiving a school grade of "A," making excellent progress; or

(b) Demonstrate exemplary improvement due to innovation and effort by improving a letter grade.

(3) All public schools, including charter schools, that receive a school grade pursuant to s. 1008.34 are eligible to participate in the program.

(4) All selected schools shall receive financial awards depending on the availability of funds appropriated and the number and size of schools selected to receive an award. Funds must be distributed to the school's fiscal agent and placed in the school's account and must be used for purposes listed in subsection (5) as determined jointly by the school's staff and school advisory council. If school staff and the school advisory council cannot reach agreement by November 1,

the awards must be equally distributed to all classroom teachers currently teaching in the school.

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

(a) Nonrecurring bonuses to the faculty and staff;

(b) Nonrecurring expenditures for educational equipment or materials to assist in maintaining and improving student performance; or

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

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

Section 382. Section 1008.37, Florida Statutes, is created to read:

1008.37 Postsecondary feedback of information to high schools.--

(1) The State Board of Education shall adopt rules that require the Commissioner of Education to report to the State Board of Education, the Legislature, and the district school boards on the performance of each first-time-in-postsecondary education student from each public high school in this state who is enrolled in a public postsecondary institution or public technical center. Such reports must be based on information databases maintained by the Department of Education. In addition, the public postsecondary educational institutions and technical centers shall provide district school boards access to information on student performance in regular and preparatory courses and shall indicate students referred for remediation pursuant to s. 1008.30 or s. 1008.28.

(2) The Commissioner of Education shall report, by high school, to the State Board of Education and the Legislature, no later than November 31 of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for remediation through college-preparatory or vocational-preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

(3) The Commissioner of Education shall organize school summary reports and student-level records by school district and high school in which the postsecondary education students were enrolled and report the information to each school district no later than January 31 of each year.

(4) As a part of the school improvement plan pursuant to s. 1008.345, 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.

(5) The Commissioner of Education shall annually recommend to the Legislature statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for first-time-enrolled recent high school graduates.

Section 383. Section 1008.38, Florida Statutes, is created to read:

1008.38 Articulation accountability process.--The State Board of Education shall develop articulation accountability measures which assess the status of systemwide articulation processes authorized under s. 1007.23. The State

Board of Education shall establish an articulation accountability process which at a minimum shall address:

(1) The impact of articulation processes on ensuring educational continuity and the orderly and unobstructed transition of students between public secondary and postsecondary education systems and facilitating the transition of students between the public and private sectors.

(2) The adequacy of preparation of public secondary students to smoothly articulate to a public postsecondary institution.

(3) The effectiveness of articulated acceleration mechanisms available to secondary students.

(4) The smooth transfer of community college associate in arts degree graduates to a state university.

(5) An examination of degree requirements that exceed the parameters of 60 credit hours for an associate degree and 120 hours for a baccalaureate degree in public postsecondary programs.

(6) The relationship between the College Level Academic Skills Test Program and articulation to the upper division in public postsecondary institutions.

Section 384. Section 1008.385, Florida Statutes, is created to read:

1008.385 Educational planning and information systems.--

(1) EDUCATIONAL PLANNING.--

(a) The Commissioner of Education is 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 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 boards of trustees concerning the planning for career and technical education 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 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 ss. 1008.22 and 1008.34. The system shall be structured to meet the specific management needs of the district and to align the budget adopted by the district school board with 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 to integrate planning and budgeting at the school level.

(2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The Commissioner of Education 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. 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 that all data required as input to the state system is 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 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 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 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.

(3) RULES.--The State Board of Education shall adopt rules to administer this section.

Section 385. Section 1008.386, Florida Statutes, is created to read:

1008.386 Social security numbers used as student identification numbers.--Each district school board shall request that each student enrolled in a public school in this state provide his or her social security number. Each school district shall use social security numbers as student identification numbers in the management information system maintained by the school district. However, a student is not required to provide his or her social security number as a condition for enrollment or graduation. A student satisfies this requirement by presenting to school enrollment officials his or her social security card or a copy of the card. The school district shall include the social security number in the student's permanent records and shall indicate if the student identification number is not a social security number. The Commissioner of Education shall provide assistance to school districts to assure that the assignment of student identification numbers other than social security numbers is kept to a minimum and to avoid duplication of any student identification number.

Section 386. Section 1008.39, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1008.39 Florida Education and Training Placement Information Program.--

(1) The Department of Education shall develop and maintain a continuing program of information management named the "Florida Education and Training Placement Information Program," the purpose of which is to compile, maintain, and disseminate information concerning the educational histories, placement and employment, enlistments in the United States armed services, and other measures of success of former participants in state educational and workforce development programs. Placement and employment information shall contain data appropriate to calculate job retention and job retention rates.

(2) Any project conducted by the Department of Education or the workforce development system that requires placement information shall use information provided through the Florida Education and Training Placement Information Program, and shall not initiate automated matching of records in duplication of methods already in place in the Florida Education and Training Placement Information Program. The department shall implement an automated system which matches the social security numbers of former participants in state educational and training programs with information in the files of state and federal agencies that maintain educational, employment, and United States armed service records and shall implement procedures to identify the occupations of those former participants whose social security numbers are found in employment records, as required by Specific Appropriation 337A, chapter 84-220, Laws of Florida; Specific Appropriation 337B, chapter 85-119, Laws of Florida; Specific Appropriation 350A, chapter 86-167, Laws of Florida; and Specific

Appropriation 351, chapter 87-98, Laws of Florida.

(3) The Florida Education and Training Placement Information Program must not make public any information that could identify an individual or the individual's employer. The Department of Education must ensure that the purpose of obtaining placement information is to evaluate and improve public programs or to conduct research for the purpose of improving services to the individuals whose social security numbers are used to identify their placement. If an agreement assures that this purpose will be served and that privacy will be protected, the Department of Education shall have access to the unemployment insurance wage reports maintained by the Agency for Workforce Innovation, the files of the Department of Children and Family Services that contain information about the distribution of public assistance, the files of the Department of Corrections that contain records of incarcerations, and the files of the Department of Business and Professional Regulation that contain the results of licensure examination.

(4) The Florida Education and Training Placement Information Program may perform longitudinal analyses for all levels of education and workforce development. These analyses must include employment stability, annual earnings, and relatedness of employment to education.

Section 387. Section 1008.40, Florida Statutes, is created to read:

1008.40 Workforce Development Information System.--The Department of Education shall:

(1) Design specifications for the collection and reporting of data and performance specifications for the Workforce Development Information System. This design must

enable parallel reporting and state-level access of workforce data necessary to use the data reports as a basis for calculating funding allocations. In addition, the design must be capable of providing reports necessary to comply with other program performance documentation required by state or federal law, without requiring additional data collection or reporting from local educational agencies.

(2) Develop the computer programs, software, and edit processes necessary for local and state users to produce a single, unified Workforce Development Information System.

Section 388. Section 1008.405, Florida Statutes, is created to read:

1008.405 Adult student information.--Each school district and community college shall maintain sufficient information for each student enrolled in workforce development education to allow local and state administrators to locate such student upon the termination of instruction and to determine the appropriateness of student placement in specific instructional programs. The State Board of Education shall adopt, in rule, specific information that must be maintained and acceptable means of maintaining that information.

Section 389. Section 1008.41, Florida Statutes, is created to read:

1008.41 Workforce Development Education; management information system.--

(1) The Commissioner of Education shall coordinate uniform program structures, common definitions, and uniform management information systems for workforce development education for all divisions within the department. In performing these functions, the commissioner shall designate deadlines after which data elements may not be changed for the

coming fiscal or school year. School districts and community colleges shall be notified of data element changes at least 90 days prior to the start of the subsequent fiscal or school year. Such systems must provide for:

(a) Individual student reporting.

(b) Compliance with state and federal confidentiality requirements, except that the department shall have access to the unemployment insurance wage reports to collect and report placement information about former students. Such placement reports must not disclose the individual identities of former students.

(c) Maximum use of automated technology and records in existing data bases and data systems. To the extent feasible, the Florida Information Resource Network shall be employed for this purpose.

(d) Annual reports of student enrollment, completion, and placement by program.

(2) The State Board of Education shall identify, by rule, the components to be included in the workforce development education management information system. All such components shall be comparable between school districts and community colleges.

(3) Planning and evaluation of job-preparatory programs shall be based on standard sources of data and use standard occupational definitions and coding structures, including, but not limited to:

(a) The Florida Occupational Information System;

(b) The Florida Education and Training Placement Information Program;

(c) The Agency for Workforce Innovation;

(d) The United States Department of Labor; and

(e) Other sources of data developed using statistically valid procedures.

Section 390. Section 1008.42, Florida Statutes, is created to read:

1008.42 Public information on career and technical education programs.--

(1) The Department of Education shall disseminate information derived from the reports required by s. 1008.43. The department shall ensure that the information disseminated does not name or otherwise identify a student, a former student, or the student's employer.

(2) The dissemination shall be conducted in accordance with the following procedures:

(a) Annually, the Department of Education shall publish the placement rates and average quarterly earnings for students who complete each type of technical certificate program and technical degree program. This information must be aggregated to the state level and must be included in any accountability reports. A program that was created or modified so that placement rates cannot be calculated must be so identified in such reports.

(b)1. Each district school board shall publish, at a minimum, the most recently available placement rate for each technical certificate program conducted by that school district at the secondary school level and at the technical degree level. The placement rates for the preceding 3 years shall be published if available, shall be included in each publication that informs the public of the availability of the program, and shall be made available to each school guidance counselor. If a program does not have a placement rate, a publication that lists or describes that program must state

that the rate is unavailable.

2. Each community college shall publish, at a minimum, the most recent placement rate for each technical certificate program and for each technical degree program in its annual catalog. The placement rates for the preceding 3 years shall be published, if available, and shall be included in any publication that informs the public of the availability of the program. If a program does not have a placement rate, the publication that lists or describes that program must state that the rate is unavailable.

3. If a school district or a community college has calculated for a program a placement rate that differs from the rate reported by the department, and if each record of a placement was obtained through a process that was capable of being audited, procedurally sound, and consistent statewide, the district or the community college may use the locally calculated placement rate in the report required by this section. However, that rate may not be combined with the rate maintained in the computer files of the Department of Education's Florida Education and Training Placement Information Program.

4. An independent career and technical, trade, or business school may not publish a placement rate unless the placement rate was determined as provided by this section.

Section 391. Section 1008.43, Florida Statutes, is created to read:

1008.43 Career and technical program reporting requirements.--

(1)(a) The Department of Education shall develop a system of performance measures in order to evaluate the career and technical education programs as required in s. 1008.42.

This system must measure program enrollment, completion rates, placement rates, and amount of earnings at the time of placement. Placement and employment information, where applicable, shall contain data relevant to job retention, including retention rates. The State Board of Education shall adopt by rule the specific measures and any definitions needed to establish the system of performance measures.

(b) To measure and report program enrollment and completion rates, the Department of Education shall use data in the automated student databases generated by the public schools and community colleges. To measure and report placement rates and amount of earnings at the time of placement, the department shall use data in the reports produced by the Florida Education and Training Placement Information Program as required in s. 1008.39. If any placement information is not available from the Florida Education and Training Placement Information Program, the school district or the community college may provide placement information collected by the school district or the community college. However, this supplemental information must be verifiable by the department and must not be commingled with the database maintained by the Florida Education and Training Placement Information Program. The State Board of Education shall specify by rule the statistically valid, verifiable, uniform procedures by which school districts and community colleges may collect and report placement information to supplement the reports from the Florida Education and Training Placement Information Program.

(c) The State Board of Education shall adopt standards for the department, district school boards, and community college district boards of trustees to use in program

planning, program review, and program evaluation. The standards must include, at a minimum, the completion rates, placement rates, and earnings from employment of former students of career and technical education programs.

(2) The State Board of Education shall adopt procedures for reviewing the career and technical education programs administered by the district school boards and the community college district boards of trustees when program performance falls below the standards required by this section.

(3) Annually the department shall compile the reports submitted in compliance with the rules adopted under this section and shall produce a statewide report that addresses the extent to which school districts and community colleges are meeting the standards established under paragraph (1)(c).

(4) The State Board of Education may adopt rules necessary to administer this section.

Section 392. Section 1008.45, Florida Statutes, is created to read:

1008.45 Community college accountability process.--

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

1 issues:
2 (a) Graduation rates of A.A. and A.S. degree-seeking
3 students compared to first-time-enrolled students seeking the
4 associate degree.
5 (b) Minority student enrollment and retention rates.
6 (c) Student performance, including student performance
7 in college-level academic skills, mean grade point averages
8 for community college A.A. transfer students, and community
9 college student performance on state licensure examinations.
10 (d) Job placement rates of community college career
11 and technical students.
12 (e) Student progression by admission status and
13 program.
14 (f) Career and technical accountability standards
15 identified in s. 1008.42.
16 (g) Institutional assessment efforts related to the
17 requirements of s. III in the Criteria for Accreditation of
18 the Commission on Colleges of the Southern Association of
19 Colleges and Schools.
20 (h) Other measures as identified by the Council for
21 Education Policy Research and Improvement and approved by the
22 State Board of Education.
23 (2) The State Board of Education shall submit an
24 annual report, to coincide with the submission of the agency
25 strategic plan required by law, providing the results of
26 initiatives taken during the prior year and the initiatives
27 and related objective performance measures proposed for the
28 next year.
29 (3) The State Board of Education shall address within
30 the annual evaluation of the performance of the executive
31 director, and the community college boards of trustees shall

address within the annual evaluation of the presidents, the achievement of the performance goals established by the accountability process.

Section 393. Section 1008.46, Florida Statutes, is created to read:

1008.46 State university accountability process.--It is the intent of the Legislature that an accountability process be implemented that provides for the systematic, ongoing evaluation of quality and effectiveness of state universities. It is further the intent of the Legislature that this accountability process monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing missions of each of the state universities. The accountability process shall provide for the adoption of systemwide performance standards and performance goals for each standard identified through a collaborative effort involving state universities, the Legislature, and the Governor's Office. These standards and goals shall be consistent with s. 216.011(1) to maintain congruity with the performance-based budgeting process. This process requires that university accountability reports reflect measures defined through performance-based budgeting. The performance-based budgeting measures must also reflect the elements of teaching, research, and service inherent in the missions of the state universities.

(1) By December 31 of each year, the State Board of Education shall submit an annual accountability report providing information on the implementation of performance standards, actions taken to improve university achievement of performance goals, the achievement of performance goals during the prior year, and initiatives to be undertaken during the

next year. The accountability reports shall be designed in consultation with the Governor's Office, the Office of Program Policy Analysis and Government Accountability, and the Legislature.

(2) The State Board of Education shall recommend in the annual accountability report any appropriate modifications to this section.

Section 394. Part III of chapter 1008, Florida Statutes, shall be entitled "Council for Education Policy Research and Improvement (CEPRI)" and shall consist of s. 1008.51.

Section 395. Section 1008.51, Florida Statutes, is created to read:

1008.51 Council for Education Policy Research and Improvement.--The Council for Education Policy Research and Improvement is created as an independent office under the Office of Legislative Services, pursuant to s. 11.147. The council shall conduct and review education research, provide independent analysis on education progress, and provide independent evaluation of education issues of statewide concern. The Office of Legislative Services shall provide administrative functions of the council, pursuant to joint policies of the Legislature.

(1) The council shall serve as a citizen board for independent policy research and analysis. The council shall be composed of five members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. Each member shall be appointed for a term of 6 years. However, for purposes of continuity, the Governor shall appoint two members, the Speaker of the House of

Representatives shall appoint one member, and the President of the Senate shall appoint one member for a first term of 4 years. Members appointed for 4 years may be reappointed to one additional term. Members shall not include elected officials or employees of public or independent education entities. Members who miss two consecutive meetings may be replaced by the appointing officer.

(2) The council shall meet as often as it considers necessary to carry out its duties and responsibilities. Members shall be paid travel and per diem expenses as provided in s. 112.061 while performing their duties under this section.

(3) The council shall appoint an executive director, who shall serve at the pleasure of the council and shall perform the duties assigned to him or her by the council. The executive director is the chief administrative officer of the council and shall appoint all employees and staff members of the council, who shall serve under the executive director's direction and control.

(4) The council shall:

(a) Provide state policymakers, educators, and the public with objective and timely information that supports the seamless K-20 education system and the K-20 education accountability process designed to provide all students an opportunity for a high-quality education, in accordance with the policies and guiding principles of s. 1000.02 and the performance accountability system in s. 1008.31.

(b) Explore national and state emerging educational issues and examine how these issues should be addressed by education institutions in Florida.

(c) Prepare and submit to the State Board of Education

a long-range master plan for education. The plan must include consideration of the promotion of quality, fundamental educational goals, programmatic access, needs for remedial education, regional and state economic development, international education programs, demographic patterns, student demand for programs, needs of particular subgroups of the population, implementation of innovative educational techniques and technology, and requirements of the labor market. The plan must evaluate the capacity of existing programs in public and independent institutions to respond to identified needs, and the council shall recommend efficient alternatives to address unmet needs. The council shall update the master plan at least every 5 years.

(d) Prepare and submit for approval by the State Board of Education a long-range performance plan for K-20 education in Florida, and annually review and recommend improvement in the implementation of the plan.

(e) Annually report on the progress of public schools and postsecondary education institutions toward meeting educational goals and standards as defined by s. 1008.31.

(f) Recommend to the Legislature and the State Board of Education legislation and rules for the educational accountability system that support the policies and guiding principles of s. 1000.02.

(g) Recommend to the State Board of Education revisions and new initiatives to further improve the K-20 education accountability system.

(h) Provide public education institutions and the public with information on the K-20 education accountability system, recommend refinements and improvements, and evaluate issues pertaining to student learning gains.

(i) On its own initiative or in response to the Governor, the Legislature, the State Board of Education, or the Commissioner of Education, issue reports and recommendations on matters relating to any education sector.

(j) By January 1, 2003, and on a 3-year cycle thereafter, review and make recommendations to the Legislature regarding the activities of research centers and institutes supported with state funds to assess the return on the state's investment in research conducted by public postsecondary education institutions, in coordination with the Leadership Board for Applied Research and Public Service, created pursuant to s. 1004.58.

(k) Apply for and receive grants for the study of K-20 education system improvement consistent with its responsibilities.

(l) Assist the State Board of Education in the conduct of its educational responsibilities in such capacities as the board considers appropriate.

Section 396. Chapter 1009, Florida Statutes, shall be entitled "Educational Scholarships, Fees, and Financial Assistance" and shall consist of ss. 1009.01-1009.9994.

Section 397. Part I of chapter 1009, Florida Statutes, shall be entitled "General Provisions" and shall consist of s. 1009.01.

Section 398. Section 1009.01, Florida Statutes, is created to read:

1009.01 Definitions.--The term:

(1) "Tuition" means the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state. A charge for any other purpose shall not be included within this fee.

(2) "Out-of-state fee" means the additional fee for instruction provided by a public postsecondary educational institution in this state, which fee is charged to a non-Florida student as defined in rules of the State Board of Education. A charge for any other purpose shall not be included within this fee.

Section 399. Part II of chapter 1009, Florida Statutes, shall be entitled "Postsecondary Student Fees" and shall consist of ss. 1009.21-1009.29.

Section 400. Section 1009.21, Florida Statutes, is created to read:

1009.21 Determination of resident status for tuition purposes.--Students shall be classified as residents or nonresidents for the purpose of assessing tuition in community colleges and state universities.

(1) As used in this section:

(a) The term "dependent child" means any person, whether or not living with his or her parent, who is eligible to be claimed by his or her parent as a dependent under the federal income tax code.

(b) The term "institution of higher education" means any public community college or state university.

(c) A "legal resident" or "resident" is a person who has maintained his or her residence in this state for the preceding year, has purchased a home which is occupied by him or her as his or her residence, or has established a domicile in this state pursuant to s. 222.17.

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

(e) A "resident for tuition purposes" is a person who qualifies as provided in subsection (2) for the in-state

tuition rate; a "nonresident for tuition purposes" is a person who does not qualify for the in-state tuition rate.

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

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

2. Every applicant for admission to an institution of higher education shall be required to make a statement as to his or her length of residence in the state and, further, shall establish that his or her presence or, if the applicant is a dependent child, the presence of his or her parent or parents in the state currently is, and during the requisite 12-month qualifying period was, for the purpose of maintaining a bona fide domicile, rather than for the purpose of maintaining a mere temporary residence or abode incident to enrollment in an institution of higher education.

(b) However, with respect to a dependent child living with an adult relative other than the child's parent, such child may qualify as a resident for tuition purposes if the adult relative is a legal resident who has maintained legal residence in this state for at least 12 months immediately prior to the child's qualification, provided the child has resided continuously with such relative for the 5 years immediately prior to the child's qualification, during which time the adult relative has exercised day-to-day care, supervision, and control of the child.

(c) The legal residence of a dependent child whose parents are divorced, separated, or otherwise living apart will be deemed to be this state if either parent is a legal

resident of this state, regardless of which parent is entitled to claim, and does in fact claim, the minor as a dependent pursuant to federal individual income tax provisions.

(3) An individual shall not be classified as a resident for tuition purposes and, thus, shall not be eligible to receive the in-state tuition rate until he or she has provided such evidence related to legal residence and its duration as may be required by officials of the institution of higher education from which he or she seeks the in-state tuition rate.

(4) With respect to a dependent child, the legal residence of such individual's parent or parents is prima facie evidence of the individual's legal residence, which evidence may be reinforced or rebutted, relative to the age and general circumstances of the individual, by the other evidence of legal residence required of or presented by the individual. However, the legal residence of an individual whose parent or parents are domiciled outside this state is not prima facie evidence of the individual's legal residence if that individual has lived in this state for 5 consecutive years prior to enrolling or reregistering at the institution of higher education at which resident status for tuition purposes is sought.

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

(a) A person shall not be precluded from establishing or maintaining legal residence in this state and subsequently

qualifying or continuing to qualify as a resident for tuition purposes solely by reason of marriage to a person domiciled outside this state, even when that person's spouse continues to be domiciled outside of this state, provided such person maintains his or her legal residence in this state.

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

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

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

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

(8) A person who has been properly classified as a resident for tuition purposes but who, while enrolled in an institution of higher education in this state, loses his or her resident tuition status because the person or, if he or she is a dependent child, the person's parent or parents establish domicile or legal residence elsewhere shall continue

to enjoy the in-state tuition rate for a statutory grace period, which period shall be measured from the date on which the circumstances arose that culminated in the loss of resident tuition status and shall continue for 12 months. However, if the 12-month grace period ends during a semester or academic term for which such former resident is enrolled, such grace period shall be extended to the end of that semester or academic term.

(9) Any person who ceases to be enrolled at or who graduates from an institution of higher education while classified as a resident for tuition purposes and who subsequently abandons his or her domicile in this state shall be permitted to reenroll at an institution of higher education in this state as a resident for tuition purposes without the necessity of meeting the 12-month durational requirement of this section if that person has reestablished his or her domicile in this state within 12 months of such abandonment and continuously maintains the reestablished domicile during the period of enrollment. The benefit of this subsection shall not be accorded more than once to any one person.

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

(a) Active duty members of the Armed Services of the United States residing or stationed in this state, their spouses, and dependent children.

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

(c) United States citizens living on the Isthmus of

Panama, who have completed 12 consecutive months of college work at the Florida State University Panama Canal Branch, and their spouses and dependent children.

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

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

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

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

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

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

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

1 stationed.
2 (11) The State Board of Education shall by rule
3 designate classifications of students as residents or
4 nonresidents for tuition purposes at community colleges and
5 state universities.
6 Section 401. Section 1009.22, Florida Statutes, is
7 created to read:
8 1009.22 Workforce development postsecondary student
9 fees.--
10 (1) This section applies to students enrolled in
11 workforce development programs who are reported for funding
12 through the Workforce Development Education Fund, except that
13 college credit fees for the community colleges are governed by
14 s. 1009.23.
15 (2) All students shall be charged fees except students
16 who are exempt from fees or students whose fees are waived.
17 (3)(a) The Commissioner of Education shall provide to
18 the State Board of Education no later than December 31 of each
19 year a schedule of fees for workforce development education,
20 excluding continuing workforce education, for school districts
21 and community colleges. The fee schedule shall be based on the
22 amount of student fees necessary to produce 25 percent of the
23 prior year's average cost of a course of study leading to a
24 certificate or diploma. Except as otherwise provided by law,
25 fees for students who are not residents for tuition purposes
26 must offset the full cost of instruction. Fee-nonexempt
27 students enrolled in vocational-preparatory instruction shall
28 be charged fees equal to the fees charged for certificate
29 career education instruction. Each community college that
30 conducts college-preparatory and vocational-preparatory
31 instruction in the same class section may charge a single fee

1 for both types of instruction.
2 (b) Fees for continuing workforce education shall be
3 locally determined by the district school board or community
4 college board. However, at least 50 percent of the
5 expenditures for the continuing workforce education program
6 provided by the community college or school district must be
7 derived from fees.
8 (c) The State Board of Education shall adopt a fee
9 schedule for school districts and community colleges that
10 produces the fee revenues calculated pursuant to paragraph
11 (a). The schedule so calculated shall take effect, unless
12 otherwise specified in the General Appropriations Act.
13 (d) The State Board of Education shall adopt, by rule,
14 the definitions and procedures that district school boards
15 shall use in the calculation of cost borne by students.
16 (4) A district school board or community college board
17 that has a service area that borders another state may
18 implement a plan for a differential out-of-state fee.
19 (5) Each district school board and community college
20 board of trustees may establish a separate fee for financial
21 aid purposes in an additional amount of up to 10 percent of
22 the student fees collected for workforce development programs
23 funded through the Workforce Development Education Fund. All
24 fees collected shall be deposited into a separate workforce
25 development student financial aid fee trust fund of the school
26 district or community college to support students enrolled in
27 workforce development programs. Any undisbursed balance
28 remaining in the trust fund and interest income accruing to
29 investments from the trust fund shall increase the total funds
30 available for distribution to workforce development education
31 students. Awards shall be based on student financial need and

distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. Fees collected pursuant to this subsection shall be allocated in an expeditious manner.

(6) Each district school board and community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping buildings which may not exceed 5 percent of tuition for resident students or 5 percent of tuition and out-of-state fees for nonresident students. Funds collected by community colleges through these fees may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the certificate career education or adult education facilities of the school district or community college. Projects funded through the use of the capital improvement fee must meet the survey and construction requirements of chapter 1013. Pursuant to s. 216.0158, each district school board and community college board of trustees shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, and not to exceed the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Community colleges may use the services of the Division of Bond Finance

of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the district school board or community college board of trustees.

(7) Each district school board and community college board of trustees is authorized to establish a separate fee for technology, not to exceed $1.80 per credit hour or credit-hour equivalent for resident students and not more than $5.40 per credit hour or credit-hour equivalent for nonresident students, or the equivalent, to be expended in accordance with technology improvement plans. The technology fee may apply only to associate degree programs and courses. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(8) Each district school board and community college

board of trustees is authorized to establish specific fees for workforce development instruction not reported for state funding purposes or for workforce development instruction not reported as state funded full-time equivalent students. District school boards and community college boards of trustees are not required to charge any other fee specified in this section for this type of instruction.

(9) Community college boards of trustees and district school boards are not authorized to charge students enrolled in workforce development programs any fee that is not specifically authorized by statute. In addition to tuition, out-of-state, financial aid, capital improvement, and technology fees, as authorized in this section, community college boards of trustees and district school boards are authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. Parking fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements and revenue bonds with terms not exceeding 20 years and not exceeding the useful life of the asset being financed. Community colleges shall use the services of the Division of Bond Finance of the State Board of Administration to issue any

revenue bonds authorized by the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(10) Each year the State Board of Education shall review and evaluate the percentage of the cost of adult programs and certificate career education programs supported through student fees. For students who are residents for tuition purposes, the schedule adopted pursuant to subsection (3) must produce revenues equal to 25 percent of the prior year's average program cost for college-preparatory and certificate-level workforce development programs. Fees for continuing workforce education shall be locally determined by the district school board or community college board. However, at least 50 percent of the expenditures for the continuing workforce education program provided by the community college or school district must be derived from fees. Except as otherwise provided by law, fees for students who are not residents for tuition purposes must offset the full cost of instruction.

(11) Each school district and community college may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the district school board or community college board of trustees.

(12) Any school district or community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Florida Workforce Development Education Fund or the Community College Program Fund and shall revert to the General Revenue Fund. The State Board of Education shall specify, in rule, approved methods of student fee payment. Such methods must include, but need not be limited to, student fee payment; payment through federal, state, or institutional financial aid; and employer fee payments.

(13) Each school district and community college shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the district or community college in calculations of actual full-time enrollments for state funding purposes. A student who has been exempted from taking a course or who has been granted academic or technical credit through means other than actual coursework completed at the granting institution may not be calculated for enrollment in the course from which the student has been exempted or for which the student has been granted credit. School districts and community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to 2 times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Workforce Development Education Fund and shall revert to the General Revenue Fund.

Section 402. Section 1009.23, Florida Statutes, is

created to read:

1009.23 Community college student fees.--

(1) Unless otherwise provided, the provisions of this section apply only to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and noncollege credit college-preparatory courses defined in s. 1004.02.

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

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

(4) Each community college board of trustees shall establish tuition and out-of-state fees, which may vary no more than 10 percent below and 15 percent above the combined total of the fee schedule adopted by the State Board of Education and the technology fee adopted by a board of trustees, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and security

purposes. In order to assess an additional amount for safety and security purposes, a community college board of trustees must provide written justification to the State Board of Education based on criteria approved by the board of trustees, including, but not limited to, criteria such as local crime data and information, and strategies for the implementation of local safety plans. Should a college decide to increase the tuition fee, the funds raised by increasing the tuition fee must be expended solely for additional safety and security purposes and shall not supplant funding expended in the 1998-1999 budget for safety and security purposes.

(5) Except as otherwise provided in law, the sum of nonresident student tuition and out-of-state fees must be sufficient to defray the full cost of each program.

(6) A community college board of trustees that has a service area that borders another state may implement a plan for a differential out-of-state fee.

(7) Each community college board of trustees may establish a separate activity and service fee not to exceed 10 percent of the tuition fee, according to rules of the State Board of Education. The student activity and service fee shall be collected as a component part of the tuition and fees. The student activity and service fees shall be paid into a student activity and service fund at the community college and shall be expended for lawful purposes to benefit the student body in general. These purposes include, but are not limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the community college without regard to race, sex, or religion.

(8)(a) Each community college board of trustees is

authorized to establish a separate fee for financial aid purposes in an additional amount up to, but not to exceed, 5 percent of the total student tuition or out-of-state fees collected. Each community college board of trustees may collect up to an additional 2 percent if the amount generated by the total financial aid fee is less than $250,000. If the amount generated is less than $250,000, a community college that charges tuition and out-of-state fees at least equal to the average fees established by rule may transfer from the general current fund to the scholarship fund an amount equal to the difference between $250,000 and the amount generated by the total financial aid fee assessment. No other transfer from the general current fund to the loan, endowment, or scholarship fund, by whatever name known, is authorized.

(b) All funds collected under this program shall be placed in the loan and endowment fund or scholarship fund of the college, by whatever name known. Such funds shall be disbursed to students as quickly as possible. An amount not greater than 40 percent of the fees collected in a fiscal year may be carried forward unexpended to the following fiscal year. However, funds collected prior to July 1, 1989, and placed in an endowment fund may not be considered part of the balance of funds carried forward unexpended to the following fiscal year.

(c) Up to 25 percent or $300,000, whichever is greater, of the financial aid fees collected may be used to assist students who demonstrate academic merit; who participate in athletics, public service, cultural arts, and other extracurricular programs as determined by the institution; or who are identified as members of a targeted gender or ethnic minority population. The financial aid fee

revenues allocated for athletic scholarships and fee exemptions provided pursuant to s. 1009.25(3) for athletes shall be distributed equitably as required by s. 1000.05(3)(d). A minimum of 75 percent of the balance of these funds for new awards shall be used to provide financial aid based on absolute need, and the remainder of the funds shall be used for academic merit purposes and other purposes approved by the boards of trustees. Such other purposes shall include the payment of child care fees for students with financial need. The State Board of Education shall develop criteria for making financial aid awards. Each college shall report annually to the Department of Education on the revenue collected pursuant to this paragraph, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(d) These funds may not be used for direct or indirect administrative purposes or salaries.

(9) Any community college that reports students who have not paid fees in an approved manner in calculations of full-time equivalent enrollments for state funding purposes shall be penalized at a rate equal to two times the value of

such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(10) Each community college board of trustees is authorized to establish a separate fee for technology, which may not exceed $1.80 per credit hour or credit-hour equivalent for resident students and not more than $5.40 per credit hour or credit-hour equivalent for nonresident students, to be expended according to technology improvement plans. The technology fee may apply to both college credit and college-preparatory instruction. Fifty percent of technology fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements, not to exceed the useful life of the asset being financed. Revenues generated from the technology fee may not be bonded.

(11) Each community college board of trustees may establish a separate fee for capital improvements, technology enhancements, or equipping student buildings which may not exceed $1 per credit hour or credit-hour equivalent for residents and which equals or exceeds $3 per credit hour for nonresidents. Funds collected by community colleges through these fees may be bonded only for the purpose of financing or refinancing new construction and equipment, renovation, or remodeling of educational facilities. The fee shall be collected as a component part of the tuition and fees, paid into a separate account, and expended only to construct and equip, maintain, improve, or enhance the educational facilities of the community college. Projects funded through the use of the capital improvement fee shall meet the survey and construction requirements of chapter 1013. Pursuant to s.

216.0158, each community college shall identify each project, including maintenance projects, proposed to be funded in whole or in part by such fee. Capital improvement fee revenues may be pledged by a board of trustees as a dedicated revenue source to the repayment of debt, including lease-purchase agreements and revenue bonds, with a term not to exceed 20 years, and not to exceed the useful life of the asset being financed, only for the new construction and equipment, renovation, or remodeling of educational facilities. Community colleges may use the services of the Division of Bond Finance of the State Board of Administration to issue any bonds authorized through the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. A maximum of 15 cents per credit hour may be allocated from the capital improvement fee for child care centers conducted by the community college.

(12) In addition to tuition, out-of-state, financial aid, capital improvement, student activity and service, and technology fees authorized in this section, each community college board of trustees is authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and

fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines shall not exceed the cost of the services provided and shall only be charged to persons receiving the service. A community college may not charge any fee except as authorized by law or rules of the State Board of Education. Parking fee revenues may be pledged by a community college board of trustees as a dedicated revenue source for the repayment of debt, including lease-purchase agreements and revenue bonds with terms not exceeding 20 years and not exceeding the useful life of the asset being financed. Community colleges shall use the services of the Division of Bond Finance of the State Board of Administration to issue any revenue bonds authorized by the provisions of this subsection. Any such bonds issued by the Division of Bond Finance shall be in compliance with the provisions of the State Bond Act. Bonds issued pursuant to the State Bond Act shall be validated in the manner established in chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

(13) The State Board of Education shall specify, as necessary, by rule, approved methods of student fee payment. Such methods shall include, but not be limited to, student fee payment; payment through federal, state, or institutional

financial aid; and employer fee payments.

(14) Each community college board of trustees shall report only those students who have actually enrolled in instruction provided or supervised by instructional personnel under contract with the community college in calculations of actual full-time equivalent enrollments for state funding purposes. No student who has been exempted from taking a course or who has been granted academic or technical credit through means other than actual coursework completed at the granting institution shall be calculated for enrollment in the course from which he or she has been exempted or granted credit. Community colleges that report enrollments in violation of this subsection shall be penalized at a rate equal to two times the value of such enrollments. Such penalty shall be charged against the following year's allocation from the Community College Program Fund and shall revert to the General Revenue Fund.

(15) Each community college may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the community college board of trustees.

(16) The State Board of Education shall adopt a rule specifying the definitions and procedures to be used in the calculation of the percentage of cost paid by students. The rule must provide for the calculation of the full cost of educational programs based on the allocation of all funds provided through the general current fund to programs of instruction, and other activities as provided in the annual expenditure analysis. The rule shall be developed in consultation with the Legislature.

Section 403. Section 1009.24, Florida Statutes, is

Amendment No. ___ (for drafter's use only)

1 created to read:

2 1009.24 State university student fees.--

3 (1) This section applies to students enrolled in

4 college credit programs at state universities.

5 (2) All students shall be charged fees except students

6 who are exempt from fees or students whose fees are waived.

7 (3) Within proviso in the General Appropriations Act

8 and law, each board of trustees shall set university tuition

9 and fees. The sum of the activity and service, health, and

10 athletic fees a student is required to pay to register for a

11 course shall not exceed 40 percent of the tuition established

12 in law or in the General Appropriations Act. No university

13 shall be required to lower any fee in effect on the effective

14 date of this act in order to comply with this subsection.

15 Within the 40 percent cap, universities may not increase the

16 aggregate sum of activity and service, health, and athletic

17 fees more than 5 percent per year unless specifically

18 authorized in law or in the General Appropriations Act. This

19 subsection does not prohibit a university from increasing or

20 assessing optional fees related to specific activities if

21 payment of such fees is not required as a part of registration

22 for courses.

23 (4) A university that has a service area that borders

24 another state may implement a plan for a differential

25 out-of-state fee.

26 (5) Students who are enrolled in Programs in Medical

27 Sciences are considered graduate students for the purpose of

28 enrollment and student fees.

29 (6) A university board of trustees is authorized to

30 collect for financial aid purposes an amount not to exceed 5

31 percent of the tuition and out-of-state fee. The revenues from

fees are to remain at each campus and replace existing financial aid fees. Such funds shall be disbursed to students as quickly as possible. A minimum of 75 percent of funds from the student financial aid fee for new financial aid awards shall be used to provide financial aid based on absolute need. A student who has received an award prior to July 1, 1984, shall have his or her eligibility assessed on the same criteria that were used at the time of his or her original award. The State Board of Education shall develop criteria for making financial aid awards. Each university shall report annually to the Department of Education on the revenue collected pursuant to this subsection, the amount carried forward, the criteria used to make awards, the amount and number of awards for each criterion, and a delineation of the distribution of such awards. The report shall include an assessment by category of the financial need of every student who receives an award, regardless of the purpose for which the award is received. Awards which are based on financial need shall be distributed in accordance with a nationally recognized system of need analysis approved by the State Board of Education. An award for academic merit shall require a minimum overall grade point average of 3.0 on a 4.0 scale or the equivalent for both initial receipt of the award and renewal of the award.

(7) The Capital Improvement Trust Fund fee is established as $2.44 per credit hour per semester. The building fee is established as $2.32 per credit hour per semester.

(8) Each university board of trustees is authorized to establish separate activity and service, health, and athletic fees. When duly established, the fees shall be collected as

component parts of tuition and fees and shall be retained by the university and paid into the separate activity and service, health, and athletic funds.

(9)(a) Each university board of trustees shall establish a student activity and service fee on the main campus of the university. The university board may also establish a student activity and service fee on any branch campus or center. Any subsequent increase in the activity and service fee must be recommended by an activity and service fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the activity and service fee may occur only once each fiscal year and must be implemented beginning with the fall term. The State Board of Education is responsible for promulgating the rules and timetables necessary to implement this fee.

(b) The student activity and service fees shall be expended for lawful purposes to benefit the student body in general. This shall include, but shall not be limited to, student publications and grants to duly recognized student organizations, the membership of which is open to all students at the university without regard to race, sex, or religion. The fund may not benefit activities for which an admission fee is charged to students, except for student-government-association-sponsored concerts. The

allocation and expenditure of the fund shall be determined by the student government association of the university, except that the president of the university may veto any line item or portion thereof within the budget when submitted by the student government association legislative body. The university president shall have 15 school days from the date of presentation of the budget to act on the allocation and expenditure recommendations, which shall be deemed approved if no action is taken within the 15 school days. If any line item or portion thereof within the budget is vetoed, the student government association legislative body shall within 15 school days make new budget recommendations for expenditure of the vetoed portion of the fund. If the university president vetoes any line item or portion thereof within the new budget revisions, the university president may reallocate by line item that vetoed portion to bond obligations guaranteed by activity and service fees. Unexpended funds and undisbursed funds remaining at the end of a fiscal year shall be carried over and remain in the student activity and service fund and be available for allocation and expenditure during the next fiscal year.

(10) Each university board of trustees shall establish a student health fee on the main campus of the university. The university board of trustees may also establish a student health fee on any branch campus or center. Any subsequent increase in the health fee must be recommended by a health committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The

recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the health fee may occur only once each fiscal year and must be implemented beginning with the fall term. The State Board of Education is responsible for promulgating the rules and timetables necessary to implement this fee.

(11) Each university board of trustees shall establish a separate athletic fee on the main campus of the university. The university board may also establish a separate athletic fee on any branch campus or center. Any subsequent increase in the athletic fee must be recommended by an athletic fee committee, at least one-half of whom are students appointed by the student body president. The remainder of the committee shall be appointed by the university president. A chairperson, appointed jointly by the university president and the student body president, shall vote only in the case of a tie. The recommendations of the committee shall take effect only after approval by the university president, after consultation with the student body president, with final approval by the university board of trustees. An increase in the athletic fee may occur only once each fiscal year and must be implemented beginning with the fall term. The State Board of Education is responsible for promulgating the rules and timetables necessary to implement this fee.

(12) Each university board of trustees is authorized to establish the following fees:

(a) A nonrefundable application fee in an amount not to exceed $30.

(b) An orientation fee in an amount not to exceed $35.

(c) A fee for security, access, or identification cards. The annual fee for such a card may not exceed $10 per card. The maximum amount charged for a replacement card may not exceed $15.

(d) Registration fees for audit and zero-hours registration; a service charge, which may not exceed $15, for the payment of tuition in installments; and a late-registration fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to initiate registration during the regular registration period.

(e) A late-payment fee in an amount not less than $50 nor more than $100 to be imposed on students who fail to pay or fail to make appropriate arrangements to pay (by means of installment payment, deferment, or third-party billing) tuition by the deadline set by each university. Each university may adopt specific procedures or policies for waiving the late-payment fee for minor underpayments.

(f) A fee for miscellaneous health-related charges for services provided at cost by the university health center which are not covered by the health fee set under subsection (10).

(g) Materials and supplies fees to offset the cost of materials or supplies that are consumed in the course of the student's instructional activities, excluding the cost of equipment replacement, repairs, and maintenance.

(h) Housing rental rates and miscellaneous housing charges for services provided by the university at the request of the student.

(i) A charge representing the reasonable cost of efforts to collect payment of overdue accounts.

(j) A service charge on university loans in lieu of

interest and administrative handling charges.

(k) A fee for off-campus course offerings when the location results in specific, identifiable increased costs to the university.

(l) Library fees and fines, including charges for damaged and lost library materials, overdue reserve library books, interlibrary loans, and literature searches.

(m) Fees relating to duplicating, photocopying, binding, and microfilming; copyright services; and standardized testing. These fees may be charged only to those who receive the services.

(n) Fees and fines relating to the use, late return, and loss and damage of facilities and equipment.

(o) A returned-check fee as authorized by s. 832.07(1) for unpaid checks returned to the university.

(p) Traffic and parking fines, charges for parking decals, and transportation access fees.

(q) An Educational Research Center for Child Development fee for child care and services offered by the center.

(r) Fees for transcripts and diploma replacement, not to exceed $10 per item.

(13) The board of trustees of the University of Florida is authorized to establish an admissions deposit fee for the University of Florida College of Dentistry in an amount not to exceed $200.

(14) Each university may assess a service charge for the payment of tuition and fees in installments. Such service charge must be approved by the university board of trustees.

Section 404. Section 1009.25, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1 1009.25 Fee exemptions.--
2 (1) The following students are exempt from any
3 requirement for the payment of tuition and fees, including lab
4 fees, for adult basic, adult secondary, or
5 vocational-preparatory instruction:
6 (a) A student who does not have a high school diploma
7 or its equivalent.
8 (b) A student who has a high school diploma or its
9 equivalent and who has academic skills at or below the eighth
10 grade level pursuant to state board rule. A student is
11 eligible for this exemption from fees if the student's skills
12 are at or below the eighth grade level as measured by a test
13 administered in the English language and approved by the
14 Department of Education, even if the student has skills above
15 that level when tested in the student's native language.
16 (2) The following students are exempt from the payment
17 of tuition and fees, including lab fees, at a school district
18 that provides postsecondary career and technical programs,
19 community college, or state university:
20 (a) A student enrolled in a dual enrollment or early
21 admission program pursuant to s. 1007.27 or s. 1007.271.
22 (b) A student enrolled in an approved apprenticeship
23 program, as defined in s. 446.021.
24 (c) A student for whom the state is paying a foster
25 care board payment pursuant to s. 409.145(3) or pursuant to
26 parts II and III of chapter 39, for whom the permanency
27 planning goal pursuant to part III of chapter 39 is long-term
28 foster care or independent living, or who is adopted from the
29 Department of Children and Family Services after May 5, 1997.
30 Such exemption includes fees associated with enrollment in
31 vocational-preparatory instruction and completion of the

college-level communication and computation skills testing program. Such exemption shall be available to any student adopted from the Department of Children and Family Services after May 5, 1997; however, the exemption shall be valid for no more than 4 years after the date of graduation from high school.

(d) A student enrolled in an employment and training program under the welfare transition program. The regional workforce board shall pay the state university, community college, or school district for costs incurred for welfare transition program participants.

(e) A student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence for individuals intended to be institutionalized, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(f) A student who is a proprietor, owner, or worker of a company whose business has been at least 50 percent negatively financially impacted by the buy-out of property around Lake Apopka by the State of Florida. Such a student may receive a fee exemption only if the student has not received compensation because of the buy-out, the student is designated a Florida resident for tuition purposes, pursuant to s. 1009.21, and the student has applied for and been denied financial aid, pursuant to s. 1009.40, which would have provided, at a minimum, payment of all student fees. The student is responsible for providing evidence to the postsecondary education institution verifying that the conditions of this paragraph have been met, including support documentation provided by the Department of Revenue. The

student must be currently enrolled in, or begin coursework within, a program area by fall semester 2000. The exemption is valid for a period of 4 years from the date that the postsecondary education institution confirms that the conditions of this paragraph have been met.

(3) Each community college is authorized to grant student fee exemptions from all fees adopted by the State Board of Education and the community college board of trustees for up to 40 full-time equivalent students at each institution.

Section 405. Section 1009.26, Florida Statutes, is created to read:

1009.26 Fee waivers.--

(1) School districts and community colleges may waive fees for any fee-nonexempt student. The total value of fee waivers granted by the school district or community college may not exceed the amount established annually in the General Appropriations Act. Any student whose fees are waived in excess of the authorized amount may not be reported for state funding purposes. Any school district or community college that waives fees and requests state funding for a student in violation of the provisions of this section shall be penalized at a rate equal to 2 times the value of the full-time student enrollment reported.

(2) A state university may waive any or all application, tuition, and related fees for persons who supervise student interns for a state university.

(3) A university board of trustees is authorized to permit full-time university employees who meet academic requirements to enroll for up to 6 credit hours of tuition-free courses per term on a space-available basis.

(4) A state university may waive any or all application, tuition, and related fees for persons 60 years of age or older who are residents of this state and who attend classes for credit. No academic credit shall be awarded for attendance in classes for which fees are waived under this subsection. This privilege may be granted only on a space-available basis, if such classes are not filled as of the close of registration. A university may limit or deny the privilege for courses which are in programs for which the State Board of Education has established selective admissions criteria. Persons paying full fees and state employees taking courses on a space-available basis shall have priority over those persons whose fees are waived in all cases where classroom spaces are limited.

(5) Any graduate student enrolled in a state-approved school psychology training program shall be entitled to a waiver of registration fees for internship credit hours applicable to an internship in the public school system under the supervision of a Department of Education certified school psychologist employed by the school system.

(6) The State Board of Education may establish rules to allow for the waiver of out-of-state fees for nondegree-seeking students enrolled at a state university if the earned student credit hours generated by such students are nonfundable and the direct cost for the program of study is recovered from the fees charged to all students.

(7) The spouse of a deceased state employee is entitled, when eligible for the payment of student fees by the state as employer pursuant to s. 440.16, in lieu of such payment, to a full waiver of student fees for up to 80 semester hours in any community college.

(8) Fees shall be waived for certain members of the active Florida National Guard pursuant to s. 250.10(8).

Section 406. Section 1009.265, Florida Statutes, is created to read:

1009.265 State employee fee waivers.--

(1) As a benefit to the employer and employees of the state, subject to approval by an employee's agency head or the equivalent, each state university and community college shall waive tuition and fees for state employees to enroll for up to 6 credit hours of courses per term on a space-available basis.

(2) The Comptroller, in cooperation with the community colleges and state universities, shall identify and implement ways to ease the administrative burden to community colleges and state universities, including, but not limited to, providing easier access to verify state employment.

(3) From funds appropriated by the Legislature for administrative costs to implement this section, community colleges and state universities shall be reimbursed on a pro rata basis according to the cost assessment data developed by the Department of Education.

(4) The Auditor General shall include a review of the cost assessment data in conjunction with his or her audit responsibilities for community colleges, state universities, and the Department of Education.

(5) For purposes of this section, employees of the state include employees of the executive, legislative, and judicial branches of state government, except for persons employed by a state university.

Section 407. Section 1009.27, Florida Statutes, is created to read:

1009.27 Deferral of fees.--

(1) The State Board of Education shall adopt rules to allow the deferral of tuition and registration fees for students receiving financial aid from a federal or state assistance program when the aid is delayed in being transmitted to the student through circumstances beyond the control of the student. The failure to make timely application for the aid is an insufficient reason to receive a deferral of fees. The rules must provide for the enforcement and collection or other settlement of delinquent accounts.

(2) Any veteran or other eligible student who receives benefits under chapter 30, chapter 31, chapter 32, chapter 34, or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10, U.S.C., is entitled to one deferment each academic year and an additional deferment each time there is a delay in the receipt of benefits.

(3) Each school district, community college, and state university is responsible for collecting all deferred fees. If a school district, community college, or state university has not collected a deferred fee, the student may not earn state funding for any course for which the student subsequently registers until the fee has been paid.

Section 408. Section 1009.28, Florida Statutes, is created to read:

1009.28 Fees for repeated enrollment in college-preparatory classes.--A student enrolled in the same college-preparatory class more than twice shall pay 100 percent of the full cost of instruction to support continuous enrollment of that student in the same class, and the student shall not be included in calculations of full-time equivalent enrollments for state funding purposes; however, students who withdraw or fail a class due to extenuating circumstances may

be granted an exception only once for each class, provided approval is granted according to policy established by the board of trustees. Each community college may review and reduce fees paid by students due to continued enrollment in a college-preparatory class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education.

Section 409. Section 1009.285, Florida Statutes, is created to read:

1009.285 Fees for repeated enrollment in college-credit courses.--A student enrolled in the same undergraduate college-credit course more than twice shall pay tuition at 100 percent of the full cost of instruction and shall not be included in calculations of full-time equivalent enrollments for state funding purposes. However, students who withdraw or fail a class due to extenuating circumstances may be granted an exception only once for each class, provided that approval is granted according to policy established by the community college board of trustees or the university board of trustees. Each community college and state university may review and reduce fees paid by students due to continued enrollment in a college-credit class on an individual basis contingent upon the student's financial hardship, pursuant to definitions and fee levels established by the State Board of Education. For purposes of this section, first-time enrollment in a class shall mean enrollment in a class beginning fall semester 1997, and calculations of the full cost of instruction shall be based on the systemwide average of the prior year's cost of undergraduate programs for the community colleges and the state universities. Boards of trustees may make exceptions to this section for individualized study,

1 elective coursework, courses that are repeated as a
2 requirement of a major, and courses that are intended as
3 continuing over multiple semesters, excluding the repeat of
4 coursework more than two times to increase grade point average
5 or meet minimum course grade requirements.
6 Section 410. Section 1009.29, Florida Statutes, is
7 created to read:
8 1009.29 Increased fees for funding financial aid
9 program.--
10 (1) Student tuition and registration fees at each
11 state university and community college shall include up to
12 $4.68 per quarter, or $7.02 per semester, per full-time
13 student, or the per-student credit hour equivalents of such
14 amounts. The fees provided for by this section shall be
15 adjusted from time to time, as necessary, to comply with the
16 debt service coverage requirements of the student loan revenue
17 bonds issued pursuant to s. 1009.79. If the Division of Bond
18 Finance of the State Board of Education and the Commissioner
19 of Education determine that such fees are no longer required
20 as security for revenue bonds issued pursuant to ss.
21 1009.78-1009.88, moneys previously collected pursuant to this
22 section which are held in escrow, after administrative
23 expenses have been met and up to $150,000 has been used to
24 establish a financial aid data processing system for the state
25 universities incorporating the necessary features to meet the
26 needs of all nine universities for application through
27 disbursement processing, shall be reallocated to the
28 generating institutions to be used for student financial aid
29 programs, including, but not limited to, scholarships and
30 grants for educational purposes. Upon such determination, such
31 fees shall no longer be assessed and collected.

(2) The Department of Education may, in accordance with rules established by the State Board of Administration, receive and administer grants and donations from any source and, in its discretion, establish criteria, select recipients, and award scholarships and loans from the fees provided for by this section, and fix the interest rates and terms of repayment.

Section 411. Part III of chapter 1009, Florida Statutes, shall be entitled "Financial Assistance" and shall consist of ss. 1009.40-1009.96.

Section 412. Part III.a. of chapter 1009, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1009.40-1009.44.

Section 413. Section 1009.40, Florida Statutes, is created to read:

1009.40 General requirements for student eligibility for state financial aid.--

(1)(a) The general requirements for eligibility of students for state financial aid awards consist of the following:

1. Achievement of the academic requirements of and acceptance at a state university or community college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college, university, or community college which is accredited by an accrediting agency recognized by the State Board of Education; any Florida institution the credits of which are acceptable for transfer to state universities; any technical center; or any private technical institution accredited by an accrediting agency recognized by the State Board of Education.

2. Residency in this state for no less than 1 year

preceding the award of aid for a program established pursuant to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53, s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s. 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s. 1009.89. Residency in this state must be for purposes other than to obtain an education. Resident status for purposes of receiving state financial aid awards shall be determined in the same manner as resident status for tuition purposes pursuant to s. 1009.21 and rules of the State Board of Education.

3. Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards. Falsification of such information shall result in the denial of any pending application and revocation of any award currently held to the extent that no further payments shall be made. Additionally, students who knowingly make false statements in order to receive state financial aid awards shall be guilty of a misdemeanor of the second degree subject to the provisions of s. 837.06 and shall be required to return all state financial aid awards wrongfully obtained.

(b)1. Eligibility for the renewal of undergraduate financial aid awards shall be evaluated at the end of the second semester or third quarter of each academic year. As a condition for renewal, a student shall:

a. Have earned a minimum cumulative grade point average of 2.0 on a 4.0 scale; and

b. Have earned, for full-time study, 12 credits per term or the equivalent for the number of terms for which aid was received.

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2. A student who earns the minimum number of credits required for renewal, but who fails to meet the minimum 2.0 cumulative grade point average, may be granted a probationary award for up to the equivalent of 1 academic year and shall be required to earn a cumulative grade point average of 2.0 on a 4.0 scale by the end of the probationary period to be eligible for subsequent renewal. A student who receives a probationary award and who fails to meet the conditions for renewal by the end of his or her probationary period shall be ineligible to receive additional awards for the equivalent of 1 academic year following his or her probationary period. Each such student may, however, reapply for assistance during a subsequent application period and may be eligible for an award if he or she has earned a cumulative grade point average of 2.0 on a 4.0 scale.

3. A student who fails to earn the minimum number of credits required for renewal shall lose his or her eligibility for renewal for a period equivalent to 1 academic year. However, the student may reapply during a subsequent application period and may be eligible for an award if he or she has earned a minimum cumulative grade point average of 2.0 on a 4.0 scale.

4. Students who receive state student aid and subsequently fail to meet state academic progress requirements due to verifiable illness or other emergencies may be granted an exception from the academic requirements. Such students shall make a written appeal to the institution. The appeal shall include a description and verification of the circumstances. Verification of illness or other emergencies may include but not be limited to a physician's statement or written statement of a parent or college official. The

institution shall recommend exceptions with necessary documentation to the department. The department may accept or deny such recommendations for exception from the institution.

(2) These requirements do not preclude higher standards specified in other sections of this part, in rules of the state board, or in rules of a participating institution.

(3) Undergraduate students are be eligible to receive financial aid for a maximum of 8 semesters or 12 quarters. However, undergraduate students participating in college-preparatory instruction, students requiring additional time to complete the college-level communication and computation skills testing programs, or students enrolled in a 5-year undergraduate degree program are eligible to receive financial aid for a maximum of 10 semesters or 15 quarters.

(4) No student is eligible to receive more than one state scholarship that is based on academic merit. Students who qualify for more than one such scholarship shall be notified of all awards for which they qualify and shall be provided the opportunity to accept one of their choosing.

Section 414. Section 1009.41, Florida Statutes, is created to read:

1009.41 State financial aid; students with a disability.--Notwithstanding the provisions of s. 1009.40(1)(b)1.b. regarding the number of credits earned per term, or other financial aid eligibility requirements related to the number of required credits earned per term, a student with a documented disability, as defined by the Americans with Disabilities Act, shall be eligible to be considered for state financial aid while attending an eligible postsecondary institution on a part-time basis. The State Board of Education

shall establish the necessary criteria for documentation of the student's disability and the postsecondary institution shall make the determination as to whether or not the disability is such that part-time status is a necessary accommodation. For the purposes of this section, financial aid funds may be prorated based on the number of credit hours taken.

Section 415. Section 1009.42, Florida Statutes, is created to read:

1009.42 Financial aid appeal process.--

(1) The State Board of Education shall adopt, by rule, a procedure for the appeal of errors in eligibility determinations, or failure to transfer awards between eligible institutions, made by the Office of Student Financial Assistance of the Department of Education, regarding applicants' eligibility for receiving state student financial aid awards. The procedure must provide for establishment of a committee to consider appeals that are not resolved by other administrative action. Each committee must be comprised of four members appointed by the Commissioner of Education, including one representative of the Office of Student Financial Assistance; two practicing financial aid administrators from public or private postsecondary institutions in this state, one of whom must be from an institution other than one to which the applicant is seeking admission; and one student enrolled in a public postsecondary institution in this state, nominated by the Florida Student Association. An applicant for state student financial aid who believes an error has been made in determining eligibility for student financial assistance or who believes the department has failed to transfer an award between eligible institutions

may appeal the decision in writing to the Office of Student Financial Assistance. The Office of Student Financial Assistance shall investigate the complaint and take appropriate action within 30 days after its receipt of the appeal. If the student wishes further review of the appeal, the Office of Student Financial Assistance shall forward the appeal to the committee. Within 30 days after the receipt of a request for a hearing, a final decision shall be rendered by the committee established under this section, and a copy of the decision shall be provided to the applicant. The decision rendered by the committee constitutes final agency action. A description of the financial aid appeals process shall be included in the application form for each state student financial aid program.

(2) The president of each state university and each community college shall establish a procedure for appeal, by students, of grievances related to the award or administration of financial aid at the institution.

(3) A student involved in a financial aid appeal proceeding is eligible for a deferral of registration and fee payments pursuant to s. 1009.27.

Section 416. Section 1009.43, Florida Statutes, is created to read:

1009.43 State student financial assistance; authorization for use in program of study in another state or foreign country.--A student who is enrolled in a public or private postsecondary educational institution in this state may apply state student financial assistance towards the cost of a program of study in another state or a foreign country for a period of up to 1 year, if the program of study is offered or promoted by the Florida institution as an integral

part of the academic studies of that degree-seeking student or as a program that would enhance the student's academic experience. This program must be approved by the president of the institution in this state or by his or her designee; however, private, postsecondary Florida institutions with out-of-state subsidiary institutions are not authorized to make Florida residents attending their out-of-state subsidiary institutions eligible for Florida financial assistance.

Section 417. Section 1009.44, Florida Statutes, is created to read:

1009.44 Need-based financial aid; no preference to students receiving other aid.--From the funds collected by state universities and community colleges as a financial aid fee and from other funds appropriated by the Legislature for financial aid from the Educational Enhancement Trust Fund, institutions shall expend those moneys designated as need-based financial aid with no preference given to students who also qualify for merit-based or other financial aid awards.

Section 418. Part III.b. of chapter 1009, Florida Statutes, shall be entitled "Scholarships, Grants, and Other Aid" and shall consist of ss. 1009.50-1009.89.

Section 419. Section 1009.50, Florida Statutes, is created to read:

1009.50 Florida Public Student Assistance Grant Program; eligibility for grants.--

(1) There is hereby created a Florida Public Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the state board.

(2)(a) State student assistance grants through the

program may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. The grants shall be awarded annually for the amount of demonstrated unmet need for the cost of education and may not exceed an amount equal to the average prior academic year cost of tuition fees and other registration fees for 30 credit hours at state universities or such other amount as specified in the General Appropriations Act, to any recipient. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a state student assistance grant. Recipients of the grants must have been accepted at a state university or community college authorized by Florida law. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3).

(b) A student applying for a Florida public student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida public student assistance grant must be between $200 and the weighted average of the cost of tuition and other registration fees for 30 credit hours at state universities per academic year or the amount specified in the General Appropriations Act.

(4)(a) The funds appropriated for the Florida Public Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida public student assistance grants shall be transmitted to the president of the state university or community college, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously

1 made.
2 (d) Institutions shall certify to the department the
3 amount of funds disbursed to each student and shall remit to
4 the department any undisbursed advances by June 1 of each
5 year.
6 (5) Funds appropriated by the Legislature for state
7 student assistance grants shall be deposited in the State
8 Student Financial Assistance Trust Fund. Notwithstanding the
9 provisions of s. 216.301 and pursuant to s. 216.351, any
10 balance in the trust fund at the end of any fiscal year that
11 has been allocated to the Florida Public Student Assistance
12 Grant Program shall remain therein and shall be available for
13 carrying out the purposes of this section.
14 (6) The State Board of Education shall establish rules
15 necessary to implement this section.
16 Section 420. Section 1009.51, Florida Statutes, is
17 created to read:
18 1009.51 Florida Private Student Assistance Grant
19 Program; eligibility for grants.--
20 (1) There is created a Florida Private Student
21 Assistance Grant Program. The program shall be administered by
22 the participating institutions in accordance with rules of the
23 State Board of Education.
24 (2)(a) Florida private student assistance grants from
25 the State Student Financial Assistance Trust Fund may be made
26 only to full-time degree-seeking students who meet the general
27 requirements for student eligibility as provided in s.
28 1009.40, except as otherwise provided in this section. Such
29 grants shall be awarded for the amount of demonstrated unmet
30 need for tuition and fees and may not exceed an amount equal
31 to the average tuition and other registration fees for 30

credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida private student assistance grant. Recipients of such grants must have been accepted at a baccalaureate-degree-granting independent nonprofit college or university, which is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and which is located in and chartered as a domestic corporation by the state. No student may receive an award for more than the equivalent of 9 semesters or 14 quarters of full-time enrollment, except as otherwise provided in s. 1009.40(3).

(b) A student applying for a Florida private student assistance grant shall be required to apply for the Pell Grant. The Pell Grant entitlement shall be considered when conducting an assessment of the financial resources available to each student.

(c) Priority in the distribution of grant moneys shall be given to students with the lowest total family resources, in accordance with a nationally recognized system of need analysis. Using the system of need analysis, the department shall establish a maximum expected family contribution. An institution may not make a grant from this program to a student whose expected family contribution exceeds the level established by the department. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

(d) Each participating institution shall report, to the department by the established date, the eligible students to whom grant moneys are disbursed each academic term. Each

institution shall also report to the department necessary demographic and eligibility data for such students.

(3) Based on the unmet financial need of an eligible applicant, the amount of a Florida private student assistance grant must be between $200 and the average cost of tuition and other registration fees for 30 credit hours at state universities plus $1,000 per academic year or the amount specified in the General Appropriations Act.

(4)(a) The funds appropriated for the Florida Private Student Assistance Grant shall be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida private student assistance grants shall be transmitted to the president of the college or university, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances by June 1 of each

1 year.
2 (e) Each institution that receives moneys through the
3 Florida Private Student Assistance Grant Program shall prepare
4 a biennial report that includes a financial audit, conducted
5 by an independent certified public accountant, of the
6 institution's administration of the program and a complete
7 accounting of moneys in the State Student Financial Assistance
8 Trust Fund allocated to the institution for the program. Such
9 report shall be submitted to the department by March 1 every
10 other year. The department may conduct its own annual or
11 biennial audit of an institution's administration of the
12 program and its allocated funds in lieu of the required
13 biennial report and financial audit report. The department may
14 suspend or revoke an institution's eligibility to receive
15 future moneys from the trust fund for the program or request a
16 refund of any moneys overpaid to the institution through the
17 trust fund for the program if the department finds that an
18 institution has not complied with the provisions of this
19 section. Any refund requested pursuant to this paragraph shall
20 be remitted within 60 days.
21 (5) Funds appropriated by the Legislature for Florida
22 private student assistance grants shall be deposited in the
23 State Student Financial Assistance Trust Fund. Notwithstanding
24 the provisions of s. 216.301 and pursuant to s. 216.351, any
25 balance in the trust fund at the end of any fiscal year that
26 has been allocated to the Florida Private Student Assistance
27 Grant Program shall remain therein and shall be available for
28 carrying out the purposes of this section and as otherwise
29 provided by law.
30 (6) The State Board of Education shall adopt rules
31 necessary to implement this section.

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Section 421. Section 1009.52, Florida Statutes, is created to read:

1009.52 Florida Postsecondary Student Assistance Grant Program; eligibility for grants.--

(1) There is created a Florida Postsecondary Student Assistance Grant Program. The program shall be administered by the participating institutions in accordance with rules of the State Board of Education.

(2)(a) Florida postsecondary student assistance grants through the State Student Financial Assistance Trust Fund may be made only to full-time degree-seeking students who meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section. Such grants shall be awarded for the amount of demonstrated unmet need for tuition and fees and may not exceed an amount equal to the average prior academic year cost of tuition and other registration fees for 30 credit hours at state universities plus $1,000 per academic year, or as specified in the General Appropriations Act, to any applicant. A demonstrated unmet need of less than $200 shall render the applicant ineligible for a Florida postsecondary student assistance grant. Recipients of such grants must have been accepted at a postsecondary institution that is located in the state and that is:

1. A private nursing diploma school approved by the Florida Board of Nursing; or

2. A college or university licensed by the Commission for Independent Education, excluding those institutions the students of which are eligible to receive a Florida private student assistance grant pursuant to s. 1009.51.

1 No student may receive an award for more than the equivalent
2 of 9 semesters or 14 quarters of full-time enrollment, except
3 as otherwise provided in s. 1009.40(3).
4 (b) A student applying for a Florida postsecondary
5 student assistance grant shall be required to apply for the
6 Pell Grant. The Pell Grant entitlement shall be considered
7 when conducting an assessment of the financial resources
8 available to each student.
9 (c) Priority in the distribution of grant moneys shall
10 be given to students with the lowest total family resources,
11 in accordance with a nationally recognized system of need
12 analysis. Using the system of need analysis, the department
13 shall establish a maximum expected family contribution. An
14 institution may not make a grant from this program to a
15 student whose expected family contribution exceeds the level
16 established by the department. An institution may not impose
17 additional criteria to determine a student's eligibility to
18 receive a grant award.
19 (d) Each participating institution shall report, to
20 the department by the established date, the eligible students
21 to whom grant moneys are disbursed each academic term. Each
22 institution shall also report to the department necessary
23 demographic and eligibility data for such students.
24 (3) Based on the unmet financial need of an eligible
25 applicant, the amount of a Florida postsecondary student
26 assistance grant must be between $200 and the average cost of
27 tuition and other registration fees for 30 credit hours at
28 state universities plus $1,000 per academic year or the amount
29 specified in the General Appropriations Act.
30 (4)(a) The funds appropriated for the Florida
31 Postsecondary Student Assistance Grant shall be distributed to

eligible institutions in accordance with a formula approved by the State Board of Education. The formula shall consider at least the prior year's distribution of funds, the number of full-time eligible applicants who did not receive awards, the standardization of the expected family contribution, and provisions for unused funds.

(b) Payment of Florida postsecondary student assistance grants shall be transmitted to the president of the eligible institution, or to his or her representative, in advance of the registration period. Institutions shall notify students of the amount of their awards.

(c) The eligibility status of each student to receive a disbursement shall be determined by each institution as of the end of its regular registration period, inclusive of a drop-add period. Institutions shall not be required to reevaluate a student's eligibility status after this date for purposes of changing eligibility determinations previously made.

(d) Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances by June 1 of each year.

(e) Each institution that receives moneys through the Florida Postsecondary Student Assistance Grant Program shall prepare a biennial report that includes a financial audit, conducted by an independent certified public accountant, of the institution's administration of the program and a complete accounting of moneys in the State Student Financial Assistance Trust Fund allocated to the institution for the program. Such report shall be submitted to the department by March 1 every other year. The department may conduct its own annual or

biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report. The department may suspend or revoke an institution's eligibility to receive future moneys from the trust fund for the program or request a refund of any moneys overpaid to the institution through the trust fund for the program if the department finds that an institution has not complied with the provisions of this section. Any refund requested pursuant to this paragraph shall be remitted within 60 days.

(5) Any institution that was eligible to receive state student assistance grants on January 1, 1989, and that is not eligible to receive grants pursuant to s. 1009.51 is eligible to receive grants pursuant to this section.

(6) Funds appropriated by the Legislature for Florida postsecondary student assistance grants shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year that has been allocated to the Florida Postsecondary Student Assistance Grant Program shall remain therein and shall be available for carrying out the purposes of this section and as otherwise provided by law.

(7) The State Board of Education shall adopt rules necessary to implement this section.

Section 422. Section 1009.53, Florida Statutes, is created to read:

1009.53 Florida Bright Futures Scholarship Program.--

(1) The Florida Bright Futures Scholarship Program is created to establish a lottery-funded scholarship program to reward any Florida high school graduate who merits recognition

of high academic achievement and who enrolls in a degree program, certificate program, or applied technology program at an eligible Florida public or private postsecondary education institution within 3 years of graduation from high school.

(2) The Bright Futures Scholarship Program consists of three types of awards: the Florida Academic Scholarship, the Florida Medallion Scholarship, and the Florida Gold Seal Vocational Scholarship.

(3) The Department of Education shall administer the Bright Futures Scholarship Program according to rules and procedures established by the State Board of Education. A single application must be sufficient for a student to apply for any of the three types of awards. The department must advertise the availability of the scholarship program and must notify students, teachers, parents, guidance counselors, and principals or other relevant school administrators of the criteria and application procedures. The department must begin this process of notification no later than January 1 of each year.

(4) Funding for the Bright Futures Scholarship Program must be allocated from the Education Enhancement Trust Fund and must be provided before allocations from that fund are calculated for disbursement to other educational entities.

(a) If funds appropriated are not adequate to provide the maximum allowable award to each eligible applicant, awards in all three components of the program must be prorated using the same percentage reduction.

(b) Notwithstanding s. 216.301, if all funds allocated to the Bright Futures Scholarship Program are not used in any fiscal year, up to 10 percent of the total allocation may be carried forward and used for awards in the following year.

(5) The department shall issue awards from the scholarship program annually. Annual awards may be for up to 45 semester credit hours or the equivalent. Before the registration period each semester, the department shall transmit payment for each award to the president or director of the postsecondary education institution, or his or her representative, except that the department may withhold payment if the receiving institution fails to report or to make refunds to the department as required in this section.

(a) Within 30 days after the end of regular registration each semester, the educational institution shall certify to the department the eligibility status of each student who receives an award. After the end of the drop and add period, an institution is not required to reevaluate or revise a student's eligibility status, but must make a refund to the department if a student who receives an award disbursement terminates enrollment for any reason during an academic term and a refund is permitted by the institution's refund policy.

(b) An institution that receives funds from the program shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances within 60 days after the end of regular registration.

(c) Each institution that receives moneys through this program shall prepare an annual report that includes an annual financial audit, conducted by an independent certified public accountant or the Auditor General. The report shall include an audit of the institution's administration of the program and a complete accounting of the moneys for the program. This report must be submitted to the department annually by March 1. The

department may conduct its own annual audit of an institution's administration of the program. The department may request a refund of any moneys overpaid to the institution for the program. The department may suspend or revoke an institution's eligibility to receive future moneys for the program if the department finds that an institution has not complied with this section. The institution must remit within 60 days any refund requested in accordance with this subsection.

(6) A student enrolled in 6 to 8 semester credit hours may receive up to one-half of the maximum award; a student enrolled in 9 to 11 credit hours may receive up to three-fourths of the maximum award; and a student enrolled in 12 or more credit hours may receive up to the full award.

(7) A student may receive only one type of award from the Florida Bright Futures Scholarship Program at a time, but may transfer from one type of award to another through the renewal application process, if the student's eligibility status changes. However, a student is not eligible to transfer from a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship to a Florida Academic Scholarship. A student who receives an award from the program may also receive a federal family education loan or a federal direct loan, and the value of the award must be considered in the certification or calculation of the student's loan eligibility.

(8) If a recipient transfers from one eligible institution to another and continues to meet eligibility requirements, the award must be transferred with the student.

(9) A student may use an award for summer term enrollment if funds are available.

(10) Funds from any scholarship within the Florida Bright Futures Scholarship Program may not be used to pay for remedial or college-preparatory coursework.

Section 423. Section 1009.531, Florida Statutes, is created to read:

1009.531 Florida Bright Futures Scholarship Program; student eligibility requirements for initial awards.--

(1) To be eligible for an initial award from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Be a Florida resident as defined in s. 1009.40 and rules of the State Board of Education.

(b) Earn a standard Florida high school diploma or its equivalent as described in s. 1003.43 or s. 1003.45 unless:

1. The student is enrolled full time in the early admission program of an eligible postsecondary education institution or completes a home education program according to s. 1002.41; or

2. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment away from Florida.

(c) Be accepted by and enroll in an eligible Florida public or independent postsecondary education institution.

(d) Be enrolled for at least 6 semester credit hours or the equivalent in quarter hours or clock hours.

(e) Not have been found guilty of, or plead nolo contendere to, a felony charge, unless the student has been granted clemency by the Governor and Cabinet sitting as the Executive Office of Clemency.

(f) Apply for a scholarship from the program by high school graduation.

(2) A student is eligible to accept an initial award for 3 years following high school graduation and to accept a renewal award for 7 years following high school graduation. A student who applies for an award by high school graduation and who meets all other eligibility requirements, but who does not accept his or her award, may reapply during subsequent application periods up to 3 years after high school graduation.

(3) For purposes of calculating the grade point average to be used in determining initial eligibility for a Florida Bright Futures scholarship, the department shall assign additional weights to grades earned in the following courses:

(a) Courses identified in the course code directory as Advanced Placement, pre-International Baccalaureate, or International Baccalaureate.

(b) Courses designated as academic dual enrollment courses in the statewide course numbering system.

The department may assign additional weights to courses, other than those described in paragraphs (a) and (b), that are identified by the Department of Education as containing rigorous academic curriculum and performance standards. The additional weight assigned to a course pursuant to this subsection shall not exceed 0.5 per course. The weighted system shall be developed and distributed to all high schools in the state prior to January 1, 1998. The department may determine a student's eligibility status during the senior year before graduation and may inform the student of the award at that time.

(4) Each school district shall annually provide to

each high school student a complete and accurate Florida Bright Futures Scholarship Evaluation Report and Key. The report shall be disseminated at the beginning of each school year. The report must include all high school coursework attempted, the number of credits earned toward each type of award, and the calculation of the grade point average for each award. The report must also identify all requirements not met per award, including the grade point average requirement, as well as identify the awards for which the student has met the academic requirements. The student report cards must contain a disclosure that the grade point average calculated for purposes of the Florida Bright Futures Scholarship Program may differ from the grade point average on the report card.

(5) A student who wishes to qualify for a particular award within the Florida Bright Futures Scholarship Program, but who does not meet all of the requirements for that level of award, may, nevertheless, receive the award if the principal of the student's school or the district superintendent verifies that the deficiency is caused by the fact that school district personnel provided inaccurate or incomplete information to the student. The school district must provide a means for the student to correct the deficiencies and the student must correct them, either by completing comparable work at the postsecondary institution or by completing a directed individualized study program developed and administered by the school district. If the student does not complete the requirements by December 31 immediately following high school graduation, the student is ineligible to participate in the program.

Section 424. Section 1009.532, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1009.532 Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.--

(1) To be eligible to renew a scholarship from any of the three types of scholarships under the Florida Bright Futures Scholarship Program, a student must:

(a) Complete at least 12 semester credit hours or the equivalent in the last academic year in which the student earned a scholarship.

(b) Maintain the cumulative grade point average required by the scholarship program, except that:

1. If a recipient's grades fall beneath the average required to renew a Florida Academic Scholarship, but are sufficient to renew a Florida Medallion Scholarship or a Florida Gold Seal Vocational Scholarship, the Department of Education may grant a renewal from one of those other scholarship programs, if the student meets the renewal eligibility requirements; or

2. If, at any time during the eligibility period, a student's grades are insufficient to renew the scholarship, the student may restore eligibility by improving the grade point average to the required level. A student is eligible for such a reinstatement only once. The Legislature encourages education institutions to assist students to calculate whether or not it is possible to raise the grade point average during the summer term. If the institution determines that it is possible, the education institution may so inform the department, which may reserve the student's award if funds are available. The renewal, however, must not be granted until the student achieves the required cumulative grade point average. If the summer term is not sufficient to raise the grade point average to the required renewal level, the student's next

opportunity for renewal is the fall semester of the following academic year.

(2) A student who is enrolled in a program that terminates in an associate degree or a baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a technical certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours. A student who transfers from one of these program levels to another becomes eligible for the higher of the two credit hour limits.

Section 425. Section 1009.533, Florida Statutes, is created to read:

1009.533 Florida Bright Futures Scholarship Program; eligible postsecondary education institutions.--A student is eligible for an award or the renewal of an award from the Florida Bright Futures Scholarship Program if the student meets the requirements for the program as described in this act and is enrolled in a postsecondary education institution that meets the description in any one of the following subsections:

(1) A Florida public university, community college, or technical center.

(2) An independent Florida college or university that is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida, as determined by rules of the Commission for Independent Education, and which has operated in the state for at least 3 years.

(3) An independent Florida postsecondary education

institution that is licensed by the Commission for Independent Education and that:

(a) Is authorized to grant degrees;

(b) Shows evidence of sound financial condition; and

(c) Has operated in the state for at least 3 years without having its approval, accreditation, or license placed on probation.

(4) A Florida independent postsecondary education institution that offers a nursing diploma approved by the Board of Nursing.

(5) A Florida independent postsecondary education institution that is licensed by the Commission for Independent Education and which:

(a) Is authorized to award certificates, diplomas, or credentials other than degrees;

(b) Has a program completion and placement rate of at least the rate required by the current Florida Statutes, the Florida Administrative Code, or the Department of Education for an institution at its level; and

(c) Shows evidence of sound financial condition; and either:

1. Is accredited at the institutional level by an accrediting agency recognized by the United States Department of Education and has operated in the state for at least 3 years during which there has been no complaint for which probable cause has been found; or

2. Has operated in Florida for 5 years during which there has been no complaint for which probable cause has been found.

Section 426. Section 1009.534, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1 1009.534 Florida Academic Scholars award.--
2 (1) A student is eligible for a Florida Academic
3 Scholars award if the student meets the general eligibility
4 requirements for the Florida Bright Futures Scholarship
5 Program and the student:
6 (a) Has achieved a 3.5 weighted grade point average as
7 calculated pursuant to s. 1009.531, or its equivalent, in high
8 school courses that are designated by the State Board of
9 Education as college-preparatory academic courses; and has
10 attained at least the score identified by rules of the State
11 Board of Education on the combined verbal and quantitative
12 parts of the Scholastic Aptitude Test, the Scholastic
13 Assessment Test, or the recentered Scholastic Assessment Test
14 of the College Entrance Examination, or an equivalent score on
15 the ACT Assessment Program; or
16 (b) Has attended a home education program according to
17 s. 1002.41 during grades 11 and 12 or has completed the
18 International Baccalaureate curriculum but failed to earn the
19 International Baccalaureate Diploma, and has attained at least
20 the score identified by rules of the Department of Education
21 on the combined verbal and quantitative parts of the
22 Scholastic Aptitude Test, the Scholastic Assessment Test, or
23 the recentered Scholastic Assessment Test of the College
24 Entrance Examination, or an equivalent score on the ACT
25 Assessment Program; or
26 (c) Has been awarded an International Baccalaureate
27 Diploma from the International Baccalaureate Office; or
28 (d) Has been recognized by the merit or achievement
29 programs of the National Merit Scholarship Corporation as a
30 scholar or finalist; or
31 (e) Has been recognized by the National Hispanic

Recognition Program as a scholar recipient.

A student must complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

(2) A Florida Academic Scholar who is enrolled in a public postsecondary education institution is eligible for an award equal to the amount required to pay tuition, fees, and $600 for college-related expenses annually. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay for the average tuition and fees of a public postsecondary education institution at the comparable level, plus the annual $600.

(3) To be eligible for a renewal award as a Florida Academic Scholar, a student must maintain the equivalent of a cumulative grade point average of 3.0 on a 4.0 scale with an opportunity for one reinstatement as provided in this chapter.

(4) In each school district, the Florida Academic Scholar with the highest academic ranking shall receive an additional award of $1,500 for college-related expenses. This award must be funded from the Florida Bright Futures Scholarship Program.

Section 427. Section 1009.535, Florida Statutes, is created to read:

1009.535 Florida Medallion Scholars award.--

(1) A student is eligible for a Florida Medallion Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Has achieved a weighted grade point average of 3.0 as calculated pursuant to s. 1009.531, or the equivalent, in high school courses that are designated by the State Board of Education as college-preparatory academic courses; and has attained at least the score identified by rules of the State Board of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(b) Has attended a home education program according to s. 1002.41 during grades 11 and 12 or has completed the International Baccalaureate curriculum but failed to earn the International Baccalaureate Diploma, and has attained at least the score identified by rules of the Department of Education on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(c) Has been recognized by the merit or achievement program of the National Merit Scholarship Corporation as a scholar or finalist but has not completed a program of community service as provided in s. 1009.534; or

(d) Has been recognized by the National Hispanic Recognition Program as a scholar, but has not completed a program of community service as provided in s. 1009.534.

(2) A Florida Medallion Scholar is eligible for an award equal to the amount required to pay 75 percent of tuition and fees, if the student is enrolled in a public postsecondary education institution. A student who is enrolled in a nonpublic postsecondary education institution is eligible for an award equal to the amount that would be required to pay 75 percent of the tuition and fees of a public postsecondary education institution at the comparable level.

(3) To be eligible for a renewal award as a Florida Medallion Scholar, a student must maintain the equivalent of a cumulative grade point average of 2.75 on a 4.0 scale with an opportunity for reinstatement one time as provided in this chapter.

Section 428. Section 1009.536, Florida Statutes, is created to read:

1009.536 Florida Gold Seal Vocational Scholars award.--The Florida Gold Seal Vocational Scholars award is created within the Florida Bright Futures Scholarship Program to recognize and reward academic achievement and career and technical preparation by high school students who wish to continue their education.

(1) A student is eligible for a Florida Gold Seal Vocational Scholars award if the student meets the general eligibility requirements for the Florida Bright Futures Scholarship Program and the student:

(a) Completes the secondary school portion of a sequential program of studies that requires at least three secondary school career and technical credits taken over at least 2 academic years, and is continued in a planned, related postsecondary education program. If the student's school does not offer such a two-plus-two or tech-prep program, the

1 student must complete a job-preparatory career education
2 program selected by the Workforce Estimating Conference or
3 Workforce Florida, Inc., for its ability to provide high-wage
4 employment in an occupation with high potential for employment
5 opportunities. On-the-job training may not be substituted for
6 any of the three required career and technical credits.
7 (b) Demonstrates readiness for postsecondary education
8 by earning a passing score on the Florida College Entry Level
9 Placement Test or its equivalent as identified by the
10 Department of Education.
11 (c) Earns a minimum cumulative weighted grade point
12 average of 3.0, as calculated pursuant to s. 1009.531, on all
13 subjects required for a standard high school diploma,
14 excluding elective courses.
15 (d) Earns a minimum unweighted grade point average of
16 3.5 on a 4.0 scale for secondary career and technical courses
17 comprising the career and technical program.
18 (2) A Florida Gold Seal Vocational Scholar is eligible
19 for an award equal to the amount required to pay 75 percent of
20 tuition and fees, if the student is enrolled in a public
21 postsecondary education institution. A student who is enrolled
22 in a nonpublic postsecondary education institution is eligible
23 for an award equal to the amount that would be required to pay
24 75 percent of the tuition and mandatory fees of a public
25 postsecondary education institution at the comparable level.
26 (3) To be eligible for a renewal award as a Florida
27 Gold Seal Vocational Scholar, a student must maintain the
28 equivalent of a cumulative grade point average of 2.75 on a
29 4.0 scale with an opportunity for reinstatement one time as
30 provided in this chapter.
31 (4) A student may earn a Florida Gold Seal Vocational

Scholarship for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent. A Florida Gold Seal Scholar who has a cumulative grade point average of 2.75 in all postsecondary education work attempted may apply for a Florida Medallion Scholars award at any renewal period. All other provisions of that program apply, and the credit-hour limitation must be calculated by subtracting from the student's total eligibility the number of credit hours the student attempted while earning the Gold Seal Vocational Scholarship.

Section 429. Section 1009.537, Florida Statutes, is created to read:

1009.537 Eligibility for the Florida Bright Futures Scholarship Program; transition.--

(1) A student who graduates from high school in 1997 or earlier and who is eligible for the Florida Undergraduate Scholar's Program pursuant to former s. 240.402 is eligible for the Florida Academic Scholars award as provided in this act. A student who graduates from high school in 1998 or 1999 is eligible for the Florida Academic Scholars award if the student meets the criteria in s. 1009.534. However, in lieu of satisfying the requirements set forth in s. 1009.534(1)(a), a student may meet the following criteria:

(a) Complete a program of at least 24 credits in advanced-level studies as prescribed by the State Board of Education, including as a minimum:

1. Four years of progressively advanced instruction in language arts, including courses in English composition and literature.

2. Four years of progressively advanced instruction in science, including laboratory courses in biology, chemistry,

and physics where laboratory facilities are available.

3. Four years of progressively advanced instruction in mathematics, including courses in algebra, geometry, and calculus or trigonometry.

4. Two years of sequential foreign language.

5. One year of instruction in art and music or in either art or music.

6. Three years of instruction in social studies, including courses in American history and government, world history, and comparative political and economic systems.

7. One year of instruction in health and physical education to include assessment, improvement, and maintenance of personal fitness.

(b) Obtain at least the equivalent of an unweighted grade point average of 3.0 on a 4.0 scale for all courses taken for which high school credit may be granted.

(c) Achieve a score of 1180 on the combined verbal and quantitative parts of the Scholastic Aptitude Test, the Scholastic Assessment Test, or the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program or an equivalent program.

(d) Complete a program of community service work, as approved by the district school board or the administrators of a nonpublic school, which shall include a minimum of 75 hours of service work and require the student to identify a social problem that interests him or her, develop a plan for his or her personal involvement in addressing the problem, and, through papers or other presentations, evaluate and reflect upon his or her experience.

1 Students who graduate from high school after 1999 must meet
2 the eligibility criteria pursuant to s. 1009.534.
3 (2) A student who graduates from high school in 1997
4 or earlier and who is eligible for the Florida Vocational Gold
5 Seal Endorsement Scholarship award pursuant to former s.
6 240.4021 is eligible for the Florida Gold Seal Vocational
7 Scholars award as provided in this act. A student who
8 graduates from high school in 1998 or 1999 is eligible for the
9 Florida Gold Seal Vocational Scholars award if the student
10 meets the criteria in s. 1009.536. However, in lieu of
11 satisfying the grade point average requirement set forth in s.
12 1009.536(1)(c), a student may earn a minimum cumulative
13 unweighted grade point average of 3.0 on a 4.0 scale on all
14 subjects required for a standard high school diploma. Students
15 who graduate from high school after 1999 must meet the
16 eligibility criteria pursuant to s. 1009.536.
17 (3) Effective for the 1997-1998 academic year, a
18 student is eligible for an initial award of a Florida Merit
19 Scholarship if the student:
20 (a)1. Is scheduled to graduate from high school in
21 1997;
22 2. Completes, or is enrolled in all courses required
23 to complete, the high school college-preparatory coursework
24 required in this act;
25 3. Achieves an unweighted grade point average of 3.0
26 on a 4.0 scale, or the equivalent, in high school courses that
27 are adopted by the Board of Regents and recommended by the
28 State Board of Community Colleges as college-preparatory
29 academic courses; and
30 4. Earns a score of 970 or above on the combined
31 verbal and quantitative parts of the recentered Scholastic

Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program; or

(b) Has completed a college-preparatory curriculum in 1997 through an approved home school program and has attained a score of 970 on the combined verbal and quantitative parts of the recentered Scholastic Assessment Test of the College Entrance Examination, or an equivalent score on the ACT Assessment Program. Eligibility shall be determined in the same manner as for public school students. For students whose parents are unable to document a college-preparatory curriculum, a score of 1070 on the SAT, or equivalent score on the ACT, shall be required for award eligibility.

Section 430. Section 1009.538, Florida Statutes, is created to read:

1009.538 Bright Futures Scholarship recipients attending nonpublic institutions; calculation of awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and 1009.536, a student who receives any award under the Florida Bright Futures Scholarship Program, who is enrolled in a nonpublic postsecondary education institution, and who is assessed tuition and fees that are the same as those of a full-time student at that institution, shall receive a fixed award calculated by using the average tuition and fee calculation as prescribed by the Department of Education for full-time attendance at a public postsecondary education institution at the comparable level. If the student is enrolled part-time and is assessed tuition and fees at a reduced level, the award shall be either one-half of the maximum award or three-fourths of the maximum award, depending on the level of fees assessed.

Section 1009.5385, Florida Statutes, is created to

read:

1009.5385 Use of certain scholarship funds by children of deceased or disabled veterans.--The criteria for the use of scholarship funds which apply to students under the Florida Bright Futures Scholarship Program shall also apply to the children of deceased or disabled veterans who receive scholarships under chapter 295.

Section 431. Section 1009.539, Florida Statutes, is created to read:

1009.539 Florida Bright Futures Scholarship Testing Program.--

(1) The State Board of Education shall identify the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program examination, and International Baccalaureate examination. In addition, the State Board of Education shall identify such courses in the general education core curriculum of each state university and community college.

(2) Each community college and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these examinations unless the award of credit duplicates credit already awarded. Community colleges and universities may not exempt students from courses without the award of credit if competencies have been so demonstrated. If a student achieves a passing score as identified by the State Board of Education on an examination required by this section, the student shall receive credit equivalent to successfully completing the equivalent course as identified by the State Board of

Education in a state university or community college, provided that such credit is not duplicative of credit already earned by the student.

(3) Students eligible for a Florida Academic Scholars award or a Florida Medallion Scholars award who are admitted to and enroll in a community college or state university shall, prior to registering for courses that may be earned through a CLEP examination and no later than registration for their second term, complete at least five examinations from those specified in subsection (1) in the following areas: English; humanities; mathematics; natural sciences; and social sciences. Successful completion of dual enrollment courses, Advanced Placement examinations, and International Baccalaureate examinations taken prior to high school graduation satisfy this requirement. The State Board of Education shall identify the examinations that satisfy each component of this requirement.

(4) Each community college and state university shall pay for the CLEP examinations required pursuant to this section from the funds appropriated from the Educational Enhancement Trust Fund. Institutions shall pay no more than $46 per examination for the program, which shall include access to a student guide to prepare for the test. The Department of Education shall negotiate with the College Board for a reduced rate for the examinations. The institution shall not charge the student for preparation and administration of the test, access to a student guide to prepare for the test, or recordkeeping and reporting of each student's test results to the department.

(5) The credit awarded pursuant to this section shall apply toward the 120 hours of college credit required pursuant

1 to s. 1007.25(7).
2 (6) The Department of Education shall track and
3 annually report on the effectiveness of the program, and
4 include information on the number of students participating in
5 the program; the CLEP examinations taken and the passage rate
6 of Florida Academic Scholars and Florida Medallion Scholars
7 award recipients; the use of Advanced Placement and
8 International Baccalaureate examinations and dual enrollment
9 courses to satisfy the requirements of the program; and the
10 course credit provided.
11 Section 432. Section 1009.54, Florida Statutes, is
12 created to read:
13 1009.54 Critical Teacher Shortage Program.--There is
14 created the Critical Teacher Shortage Program. Funds
15 appropriated by the Legislature for the program shall be
16 deposited in the State Student Financial Assistance Trust
17 Fund. The Comptroller shall authorize expenditures from the
18 trust fund upon receipt of vouchers approved by the Department
19 of Education for the critical teacher shortage programs
20 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
21 Comptroller shall also authorize expenditures from the trust
22 fund for the "Chappie" James Most Promising Teacher
23 Scholarship Loan Program and the Critical Teacher Shortage
24 Scholarship Loan Program recipients who participated in these
25 programs prior to July 1, 1993, provided that such students
26 continue to meet the renewal eligibility requirements that
27 were in effect at the time that their original awards were
28 made. Students who participated in the "Chappie" James Most
29 Promising Teacher Scholarship Loan Program prior to July 1,
30 1993, shall not have their awards reduced as a result of the
31 addition of new students to the program. All scholarship loan

repayments pursuant to s. 1009.57 shall be deposited into the State Student Financial Assistance Trust Fund. Any remaining balance at the end of any fiscal year that has been allocated to the program shall remain in the trust fund and be available for the individual programs in future years.

Section 433. Section 1009.55, Florida Statutes, is created to read:

1009.55 Rosewood Family Scholarship Program.--

(1) There is created a Rosewood Family Scholarship Program for minority persons with preference given to the direct descendants of the Rosewood families, not to exceed 25 scholarships per year. Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund.

(2) The Rosewood Family Scholarship Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for administering this program which shall at a minimum provide for the following:

(a) The annual award to a student shall be up to $4,000 but should not exceed an amount in excess of tuition and registration fees.

(b) If funds are insufficient to provide a full scholarship to each eligible applicant, the department may prorate available funds and make a partial award to each eligible applicant.

(c) The department shall rank eligible initial applicants for the purposes of awarding scholarships with preference being given to the direct descendants of the Rosewood families. The remaining applicants shall be ranked based on need as determined by the Department of Education.

(d) Payment of an award shall be transmitted in

1 advance of the registration period each semester on behalf of
2 the student to the president of the university or community
3 college, or his or her representative, or to the director of
4 the technical school which the recipient is attending.
5 (3) Beginning with the 1994-1995 academic year, the
6 department is authorized to make awards for undergraduate
7 study to students who:
8 (a) Meet the general requirements for student
9 eligibility as provided in s. 1009.40, except as otherwise
10 provided in this section.
11 (b) File an application for the scholarship within the
12 established time limits.
13 (c) Enroll as certificate-seeking or degree-seeking
14 students at a state university, community college, or
15 technical school authorized by law.
16 Section 434. Section 1009.56, Florida Statutes, is
17 created to read:
18 1009.56 Seminole and Miccosukee Indian Scholarships.--
19 (1) There is created a Seminole and Miccosukee Indian
20 Scholarship Program to be administered by the Department of
21 Education in accordance with rules established by the State
22 Board of Education. The Seminole Tribe of Florida and the
23 Miccosukee Tribe of Indians of Florida shall act in an
24 advisory capacity in the development of the rules.
25 (2) The department shall award scholarships to
26 students who:
27 (a) Have graduated from high school, have earned an
28 equivalency diploma issued by the Department of Education
29 pursuant to s. 1003.435, have earned an equivalency diploma
30 issued by the United States Armed Forces Institute, or have
31 been accepted through an early admission program;

(b) Are enrolled at a state university or community college authorized by Florida law; a nursing diploma school approved by the Board of Nursing; any Florida college, university, or community college which is accredited by an accrediting association whose standards are comparable to the minimum standards required to operate an institution at that level in Florida, as determined by rules of the Commission for Independent Education; or any Florida institution the credits of which are acceptable for transfer to state universities;

(c) Are enrolled as either full-time or part-time undergraduate or graduate students and make satisfactory academic progress as defined by the college or university;

(d) Have been recommended by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida; and

(e) Meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

(3) Recommendation by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida shall:

(a) Be based upon established standards of financial need as determined by the respective tribe and the department;

(b) Be based upon such other eligibility requirements for student financial assistance as are adopted by the respective tribe; and

(c) Include certification of membership or eligibility for membership in the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida.

(4) The amount of the scholarship shall be determined by the Seminole Tribe of Florida or the Miccosukee Tribe of Indians of Florida, for its respective applicants, within the amount of funds appropriated for this purpose. The amount

shall be prorated accordingly for part-time students. At the beginning of each semester or quarter, the department shall certify the name of each scholarship holder eligible to receive funds for that registration period to the Comptroller, who shall draw a warrant in favor of each scholarship recipient. Each recipient shall be eligible to have the scholarship renewed from year to year, provided all academic and other requirements of the college or university and rules established by the State Board of Education are met.

(5) The Commissioner of Education shall include amounts sufficient for continuation of this program in the legislative budget requests of the department.

(6) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund.

Section 435. Section 1009.57, Florida Statutes, is created to read:

1009.57 Florida Teacher Scholarship and Forgivable Loan Program.--

(1) There is created the Florida Teacher Scholarship and Forgivable Loan Program to be administered by the Department of Education. The program shall provide scholarship assistance to eligible students for lower-division undergraduate study and loan assistance to eligible students for upper-division undergraduate and graduate study. The primary purpose of the program is to attract capable and promising students to the teaching profession, attract teachers to areas of projected or current critical teacher shortage, attract liberal arts and science graduates to teaching, and provide opportunity for persons making midcareer decisions to enter the teaching profession. The State Board

of Education shall adopt rules necessary to administer the program and shall annually identify critical teacher shortage areas.

(2) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the "Chappie" James Most Promising Teacher Scholarship which shall be offered to a top graduating senior from each public secondary school in the state. An additional number of "Chappie" James Most Promising Teacher Scholarship awards shall be offered annually to graduating seniors from private secondary schools in the state which are listed with the Department of Education and accredited by the Southern Association of Colleges and Schools or any other private statewide accrediting agency which makes public its standards, procedures, and member schools. The private secondary schools shall be in compliance with regulations of the Office for Civil Rights. The number of awards to private secondary school students shall be proportional to the number of awards available to public secondary school students and shall be calculated as the ratio of the number of private to public secondary school seniors in the state multiplied by the number of public secondary schools in the state.

(a) The scholarship may be used for attendance at a state university, a community college, or an independent institution as defined in s. 1009.89.

(b) The amount of the scholarship is $1,500 and may be renewed for 1 year if the student earns a 2.5 cumulative grade point average and 12 credit hours per term and meets the eligibility requirements for renewal of the award.

(c) To be eligible for the scholarship, a student shall: be ranked within the top quartile of the senior class;

have been an active member of a high school future teacher organization, if such organization exists in the student's school; have earned a minimum unweighted cumulative grade point average of 3.0 on a 4.0 scale; file an application within the application period; meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section; and have the intent to enter the public teaching profession in Florida.

(d) Three candidates from each public secondary school and one candidate from each nonpublic secondary school in the state shall be nominated by the principal and a committee of teachers, based on criteria which shall include, but need not be limited to, rank in class, standardized test scores, cumulative grade point average, extracurricular activities, letters of recommendation, an essay, and a declaration of intention to teach in a public school in the state.

(e) From public secondary school nominees, the Commissioner of Education shall select a graduating senior from each public high school to receive a scholarship. Selection of recipients from nonpublic secondary schools shall be made by a committee appointed by the Commissioner of Education comprised of representatives from nonpublic secondary schools and the Department of Education.

(f) Fifteen percent of scholarships awarded shall be to minority students. However, in the event that fewer than 15 percent of the total eligible nominees are minority students, the commissioner may allocate all award funds as long as a scholarship is reserved for each eligible minority nominee.

(3)(a) Within the Florida Teacher Scholarship and Forgivable Loan Program shall be established the Florida

Critical Teacher Shortage Forgivable Loan Program which shall make undergraduate and graduate forgivable loans available to eligible students entering programs of study that lead to a degree in a teaching program in a critical teacher shortage area. To be eligible for a program loan, a candidate shall:

1. Be a full-time student at the upper-division undergraduate or graduate level in a teacher training program approved by the department pursuant to s. 1004.04 leading to certification in a critical teacher shortage subject area.

2. Have declared an intent to teach, for at least the number of years for which a forgivable loan is received, in publicly funded elementary or secondary schools of Florida in a critical teacher shortage area identified by the State Board of Education. For purposes of this subsection, a school is publicly funded if it receives at least 75 percent of its operating costs from governmental agencies and operates its educational program under contract with a public school district or the Department of Education.

3. Meet the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

4. If applying for an undergraduate forgivable loan, have maintained a minimum cumulative grade point average of 2.5 on a 4.0 scale for all undergraduate work. Renewal applicants for undergraduate loans shall maintain a minimum cumulative grade point average of at least a 2.5 on a 4.0 scale for all undergraduate work and have earned at least 12 semester credits per term, or the equivalent.

5. If applying for a graduate forgivable loan, have maintained an undergraduate cumulative grade point average of at least a 3.0 on a 4.0 scale or have attained a Graduate

Record Examination score of at least 1,000. Renewal applicants for graduate loans shall maintain a minimum cumulative grade point average of at least a 3.0 on a 4.0 scale for all graduate work and have earned at least 9 semester credits per term, or the equivalent.

(b) An undergraduate forgivable loan may be awarded for 2 undergraduate years, not to exceed $4,000 per year, or for a maximum of 3 years for programs requiring a fifth year of instruction to obtain initial teaching certification.

(c) A graduate forgivable loan may be awarded for 2 graduate years, not to exceed $8,000 per year. In addition to meeting criteria specified in paragraph (a), a loan recipient at the graduate level shall:

1. Hold a bachelor's degree from any college or university accredited by a regional accrediting association as defined by State Board of Education rule.

2. Not already hold a teaching certificate resulting from an undergraduate degree in education in an area of critical teacher shortage as designated by the State Board of Education.

3. Not have received an undergraduate forgivable loan as provided for in paragraph (b).

(d) Recipients of the Paul Douglas Teacher Scholarship Loan Program as authorized under title IV, part D, subpart 1 of the Higher Education Act of 1965, as amended, shall not be eligible to participate in the Florida Critical Teacher Shortage Forgivable Loan Program.

(e) The State Board of Education shall adopt by rule repayment schedules and applicable interest rates under ss. 1009.82 and 1009.95. A forgivable loan must be repaid within 10 years of completion of a program of studies.

1. Credit for repayment of an undergraduate or graduate forgivable loan shall be in an amount not to exceed $4,000 in loan principal plus applicable accrued interest for each full year of eligible teaching service. However, credit in an amount not to exceed $8,000 in loan principal plus applicable accrued interest shall be given for each full year of eligible teaching service completed at a high-density, low-economic urban school or at a low-density, low-economic rural school, as identified by the State Board of Education.

2. Any forgivable loan recipient who fails to teach in a publicly funded elementary or secondary school in this state as specified in this subsection is responsible for repaying the loan plus accrued interest at 8 percent annually.

3. Forgivable loan recipients may receive loan repayment credit for teaching service rendered at any time during the scheduled repayment period. However, such repayment credit shall be applicable only to the current principal and accrued interest balance that remains at the time the repayment credit is earned. No loan recipient shall be reimbursed for previous cash payments of principal and interest.

(f) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund.

Section 436. Section 1009.58, Florida Statutes, is created to read:

1009.58 Critical teacher shortage tuition reimbursement program.--

(1) A critical teacher shortage tuition reimbursement program shall be established for the purpose of improving the skills and knowledge of current teachers or persons preparing

to teach in critical teacher shortage areas.

(2) The State Board of Education shall adopt rules to implement the critical teacher shortage tuition reimbursement program. Any full-time public school employee or developmental research school employee certified to teach in this state is eligible for the program. For the purposes of this program, tuition reimbursement shall be limited to courses in critical teacher shortage areas as determined by the State Board of Education. Such courses shall be:

(a) Graduate-level courses leading to a master's, specialist, or doctoral degree;

(b) Graduate-level courses leading to a new certification area; or

(c) State-approved undergraduate courses leading to an advanced degree or new certification area.

(3) Participants may receive tuition reimbursement payments for up to 9 semester hours, or the equivalent in quarter hours, per year, at a rate not to exceed $78 per semester hour, up to a total of 36 semester hours. All tuition reimbursements shall be contingent on passing an approved course with a minimum grade of 3.0 or its equivalent.

(4) This section shall be implemented only to the extent specifically funded and authorized by law.

Section 437. Section 1009.59, Florida Statutes, is created to read:

1009.59 Critical Teacher Shortage Student Loan Forgiveness Program.--

(1) The Critical Teacher Shortage Student Loan Forgiveness Program is established to encourage qualified personnel to seek employment in subject areas in which critical teacher shortages exist, as identified annually by

the State Board of Education. The primary function of the program is to make repayments towards loans received by students from federal programs or commercial lending institutions for the support of postsecondary education study. Repayments are intended to be made to qualified applicants who begin teaching for the first time in designated subject areas, and who apply during their first year of teaching as certified teachers in these subject areas.

(2) From the funds available, the Department of Education may make loan principal repayments as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates of state-approved undergraduate postsecondary teacher preparation programs, persons certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(b) Up to $5,000 a year for up to 2 years on behalf of selected graduates of state-approved graduate postsecondary teacher preparation programs, persons with graduate degrees certified to teach pursuant to any applicable teacher certification requirements, or selected teacher preparation graduates from any state participating in the Interstate Agreement on the Qualification of Educational Personnel.

(c) All repayments shall be contingent on continued proof of employment in the designated subject areas in this state and shall be made directly to the holder of the loan. The state shall not bear responsibility for the collection of any interest charges or other remaining balance. In the event that designated critical teacher shortage subject areas are changed by the State Board of Education, a teacher shall

1 continue to be eligible for loan forgiveness as long as he or
2 she continues to teach in the subject area for which the
3 original loan repayment was made and otherwise meets all
4 conditions of eligibility.
5 (3) Students receiving a scholarship loan or a
6 fellowship loan are not eligible to participate in the
7 Critical Teacher Shortage Student Loan Forgiveness Program.
8 (4) The State Board of Education may adopt rules
9 pursuant to ss. 120.536(1) and 120.54, necessary for the
10 administration of this program.
11 (5) This section shall be implemented only to the
12 extent as specifically funded and authorized by law.
13 Section 438. Section 1009.60, Florida Statutes, is
14 created to read:
15 1009.60 Minority teacher education scholars
16 program.--There is created the minority teacher education
17 scholars program, which is a collaborative performance-based
18 scholarship program for African-American, Hispanic-American,
19 Asian-American, and Native American students. The participants
20 in the program include Florida's community colleges and its
21 public and private universities that have teacher education
22 programs.
23 (1) The minority teacher education scholars program
24 shall provide an annual scholarship of $4,000 for each
25 approved minority teacher education scholar who is enrolled in
26 one of Florida's public or private universities in the junior
27 year and is admitted into a teacher education program.
28 (2) To assist each participating education institution
29 in the recruitment and retention of minority teacher scholars,
30 the administrators of the Florida Fund for Minority Teachers,
31 Inc., shall implement a systemwide training program. The

1 training program must include an annual conference or series
2 of conferences for students who are in the program or who are
3 identified by a high school or a community college as likely
4 candidates for the program. The training program must also
5 include research about and dissemination concerning successful
6 activities or programs that recruit minority students for
7 teacher education and retain them through graduation,
8 certification, and employment. Staff employed by the
9 corporation may work with each participating education
10 institution to assure that local faculty and administrators
11 receive the benefit of all available research and resources to
12 increase retention of their minority teacher education
13 scholars.
14 (3) The total amount appropriated annually for new
15 scholarships in the program must be divided by $4,000 and by
16 the number of participating colleges and universities. Each
17 participating institution has access to the same number of
18 scholarships and may award all of them to eligible minority
19 students. If a college or university does not award all of its
20 scholarships by the date set by the program administration at
21 the Florida Fund for Minority Teachers, Inc., the remaining
22 scholarships must be transferred to another institution that
23 has eligible students.
24 (4) A student may receive a scholarship from the
25 program for 3 consecutive years if the student remains
26 enrolled full-time in the program and makes satisfactory
27 progress toward a baccalaureate degree with a major in
28 education.
29 (5) If a minority teacher education scholar graduates
30 and is employed as a teacher by a Florida district school
31 board, the scholar is not required to repay the scholarship

amount so long as the scholar teaches in a Florida public school. A scholar may repay the entire scholarship amount by remaining employed as a Florida public school teacher for 1 year for each year he or she received the scholarship.

(6) If a minority teacher education scholar does not graduate within 3 years, or if the scholar graduates but does not teach in a Florida public school, the scholar must repay the total amount awarded, plus annual interest of 8 percent.

(a) Interest begins accruing the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated. Interest does not accrue during any period of deferment or eligible teaching service.

(b) The repayment period begins the first day of the 13th month after the month in which the recipient completes an approved teacher education program or after the month in which enrollment as a full-time student is terminated.

(c) The terms and conditions of the scholarship repayment must be contained in a promissory note and a repayment schedule. The loan must be paid within 10 years after the date of graduation or termination of full-time enrollment, including any periods of deferment. A shorter repayment period may be granted. The minimum monthly repayment is $50 or the unpaid balance, unless otherwise approved, except that the monthly payment may not be less than the accruing interest. The recipient may prepay any part of the scholarship without penalty.

(d) The holder of the promissory note may grant a deferment of repayment for a recipient who is a full-time student, who is unable to secure a teaching position that

would qualify as repayment, who becomes disabled, or who experiences other hardships. Such a deferment may be granted for a total of 24 months.

(e) If a student defaults on the scholarship, the entire unpaid balance, including interest accrued, becomes due and payable at the option of the holder of the promissory note, or when the recipient is no longer able to pay or no longer intends to pay. The recipient is responsible for paying all reasonable attorney's fees and other costs and charges necessary for administration of the collection process.

Section 439. Section 1009.605, Florida Statutes, is created to read:

1009.605 Florida Fund for Minority Teachers, Inc.--

(1) There is created the Florida Fund for Minority Teachers, Inc., which is a not-for-profit statutory corporation housed in the College of Education at the University of Florida. The corporation shall administer and manage the minority teacher education scholars program.

(2) The corporation shall submit an annual budget projection to the Department of Education to be included in the annual legislative budget request. The projection must be based on a 7-year plan that would be capable of awarding the following schedule of scholarships:

(a) In the initial year, 700 scholarships of $4,000 each to scholars in the junior year of college.

(b) In the second year, 350 scholarships to new scholars in their junior year and 700 renewal scholarships to the rising seniors.

(c) In each succeeding year, 350 scholarships to new scholars in the junior year and renewal scholarships to the 350 rising seniors.

(3) A board of directors shall administer the corporation. The Governor shall appoint to the board at least 15 but not more than 25 members, who shall serve terms of 3 years, except that 4 of the initial members shall serve 1-year terms and 4 shall serve 2-year terms. At least 4 members must be employed by public community colleges and at least 11 members must be employed by public or private postsecondary institutions that operate colleges of education. At least one member must be a financial aid officer employed by a postsecondary education institution operating in Florida. Administrative costs for support of the Board of Directors and the Florida Fund for Minority Teachers may not exceed 5 percent of funds allocated for the program. The board shall:

(a) Hold meetings to implement this section.

(b) Select a chairperson annually.

(c) Make rules for its own government.

(d) Appoint an executive director to serve at its pleasure. The executive director shall be the chief administrative officer and agent of the board.

(e) Maintain a record of its proceedings.

(f) Delegate to the chairperson the responsibility for signing final orders.

(g) Carry out the training program as required for the minority teacher education scholars program. No more than 5 percent of the funds appropriated for the minority teacher education scholars program may be expended for administration, including administration of the required training program.

Section 440. Section 1009.61, Florida Statutes, is created to read:

1009.61 Teacher/Quest Scholarship Program.--The Teacher/Quest Scholarship Program is created for the purpose

of providing teachers with the opportunity to enhance their knowledge of science, mathematics, and computer applications in business, industry, and government. A school district or developmental research school may propose that one or more teachers be granted a Teacher/Quest Scholarship by submitting to the Department of Education:

(1) A project proposal specifying activities a teacher will carry out to improve his or her:

(a) Understanding of mathematical, scientific, or computing concepts;

(b) Ability to apply and demonstrate such concepts through instruction;

(c) Knowledge of career and technical requirements for competency in mathematics, science, and computing; and

(d) Ability to integrate and apply technological concepts from all three fields; and

(2) A contractual agreement with a private corporation or governmental agency that implements the project proposal and guarantees employment to the teacher during a summer or other period when schools are out of session. The agreement must stipulate a salary rate that does not exceed regular rates of pay and a gross salary amount consistent with applicable statutory and contractual provisions for the teacher's employment. The teacher's compensation shall be provided for on an equally matched basis by funds from the employing corporation or agency.

Section 441. Section 1009.62, Florida Statutes, is created to read:

1009.62 Grants for teachers for special training in exceptional student education.--

(1) The Department of Education may make grants to

teachers for special training in exceptional student education to meet professional requirements with respect thereto, and the department is responsible for the administration of such program.

(2) These grants are limited to teachers who:

(a) Hold a full-time contract to teach in a district school system, a state-operated or state-supported program, or an agency or organization under contract with the Department of Education;

(b) Hold a valid Florida educator's certificate that does not reflect an exceptional-student-education coverage or endorsement that is appropriate for the teacher's assignment; and

(c) Satisfactorily complete the eligible courses.

(3) Grant amounts are to be determined on the basis of rates established by the Department of Education.

(4) The Department of Education shall administer this program under rules established by the State Board of Education.

Section 442. Section 1009.63, Florida Statutes, is created to read:

1009.63 Occupational therapist or physical therapist critical shortage program; definitions.--For the purposes of ss. 1009.63-1009.634:

(1) "Critical shortage area" applies to licensed occupational therapists and physical therapists and occupational therapy assistants and physical therapist assistants employed by the public schools of this state.

(2) "Therapist" means occupational therapist or physical therapist.

Section 443. Section 1009.631, Florida Statutes, is

created to read:

1009.631 Occupational therapist or physical therapist critical shortage program; establishment.--

(1) The occupational therapist or physical therapist critical shortage program is established in the Department of Education for the purpose of attracting capable and promising applicants in the occupational therapy or physical therapy profession to employment in the public schools of this state. The program shall include the Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program, the Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program, and the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(2) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. Any balance in the trust fund at the end of any fiscal year that has been allocated to the program shall remain therein and shall be available for carrying out the purposes of this section. Funds contained in the trust fund for the program shall be used for the programs specified in subsection (1) for those licensed therapists and therapy assistants employed by the public schools of this state.

(3) The State Board of Education shall annually review the designation of critical shortage areas and shall adopt rules necessary for the implementation of the program.

Section 444. Section 1009.632, Florida Statutes, is created to read:

1009.632 Critical Occupational Therapist or Physical Therapist Shortage Student Loan Forgiveness Program.--

(1) There is established the Critical Occupational

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Therapist or Physical Therapist Shortage Student Loan Forgiveness Program. The primary function of the program is to make repayments toward loans received by students from institutions for the support of postsecondary study of occupational therapy or physical therapy. Repayments shall be made to qualified applicants who initiate employment in the public schools of this state and who apply during their first year of employment in a public school setting.

(2) From the funds available, the Department of Education is authorized to make loan principal repayments as follows:

(a) Up to $2,500 a year for up to 4 years on behalf of selected graduates of accredited undergraduate postsecondary occupational therapist or physical therapist preparation programs.

(b) Up to $2,500 a year for up to 2 years on behalf of selected graduates of accredited undergraduate postsecondary occupational therapy or physical therapist assistant preparation programs.

(c) Up to $5,000 a year for up to 2 years on behalf of selected graduates of accredited postbaccalaureate entry level occupational therapist or physical therapist preparation programs.

(d) All repayments shall be contingent on continued proof of employment for 3 years as a therapist or therapy assistant by the public schools in this state and shall be made directly to the holder of the loan. The state shall not bear the responsibility for the collection of any interest charges or other remaining balance. In the event that a critical shortage is no longer verified, a therapist or therapy assistant shall continue to be eligible for loan

forgiveness as long as the therapist or therapy assistant continues to be employed by the public schools of this state and otherwise meets all conditions of eligibility.

(3) Recipients under this program shall not be eligible to participate in the Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program or the Critical Occupational Therapist or Physical Therapist Shortage Tuition Reimbursement Program.

(4) This section shall be implemented only to the extent as specifically funded by law.

Section 445. Section 1009.633, Florida Statutes, is created to read:

1009.633 Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program.--

(1) There is established the Critical Occupational Therapist or Physical Therapist Shortage Scholarship Loan Program.

(2) To be eligible, a candidate shall:

(a) Be a full-time student in a therapy assistant program or in the upper division or higher level in an occupational therapist or physical therapist educational program. Occupational therapist and occupational therapy assistant programs must be accredited by the American Medical Association in collaboration with the American Occupational Therapy Association. Physical therapist and physical therapist assistant programs must be accredited by the American Physical Therapy Association.

(b) Have declared an intention to be employed by the public schools of this state for 3 years following completion of the requirements. In the event critical shortage areas are changed by the State Board of Education, a student shall

1 continue to be eligible for an award as long as the student
2 continues in the therapist educational program for which the
3 initial award was made and the student otherwise meets all
4 other conditions of eligibility.
5 (c) Meet the general requirements for student
6 eligibility as provided in s. 1009.40, except as otherwise
7 provided in this section.
8 (d) Maintain a grade point average of 2.0 on a 4.0
9 scale for undergraduate college work or a grade point average
10 of 3.0 on a 4.0 scale for graduate college work.
11 (3) A scholarship loan may be awarded for no more than
12 2 years and may not exceed $4,000 a year.
13 (4) The State Board of Education shall adopt by rule
14 repayment schedules and applicable interest rates under ss.
15 1009.82 and 1009.95. A scholarship loan must be paid back
16 within 10 years of completion of a program of studies.
17 (a) Credit for repayment of a scholarship loan shall
18 be in an amount not to exceed $2,000 plus applicable accrued
19 interest for each full year of employment by the public
20 schools of this state.
21 (b) Any therapist or therapy assistant who fails to be
22 employed by a public school in this state as specified in this
23 subsection is responsible for repaying the loan plus interest.
24 Repayment schedules and applicable interest rates shall be
25 determined by the rules of the State Board of Education under
26 ss. 1009.82 and 1009.95.
27 (5) Recipients under this program shall not be
28 eligible to participate in the Critical Occupational Therapist
29 or Physical Therapist Shortage Student Loan Forgiveness
30 Program or the Critical Occupational Therapist or Physical
31 Therapist Shortage Tuition Reimbursement Program.

1 (6) This section shall be implemented only to the
2 extent specifically funded and authorized by law.
3 Section 446. Section 1009.634, Florida Statutes, is
4 created to read:
5 1009.634 Critical Occupational Therapist or Physical
6 Therapist Shortage Tuition Reimbursement Program.--
7 (1) There is established the Critical Occupational
8 Therapist or Physical Therapist Shortage Tuition Reimbursement
9 Program to improve the skills and knowledge of current
10 therapists and therapy assistants who are employed by the
11 public school system.
12 (2) Any full-time public school employee licensed to
13 practice occupational therapy or physical therapy in this
14 state is eligible for the program.
15 (3) Participants may receive tuition reimbursement
16 payments for up to 9 semester hours, or the equivalent in
17 quarter hours, per year, at a rate not to exceed $78 per
18 semester hour, up to a total of 36 semester hours. All tuition
19 reimbursements shall be contingent on the participant passing
20 an approved course with a minimum grade of 3.0 or its
21 equivalent.
22 (4) The participant shall be employed by the public
23 schools of this state for 3 years following completion of the
24 requirements.
25 (5) Recipients under this program shall not be
26 eligible to participate in the Critical Occupational Therapist
27 or Physical Therapist Shortage Student Loan Forgiveness
28 Program or the Critical Occupational Therapist or Physical
29 Therapist Shortage Scholarship Loan Program.
30 (6) This section shall be implemented only to the
31 extent specifically funded and authorized by the law.

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Section 447. Section 1009.64, Florida Statutes, is created to read:

1009.64 Certified Education Paraprofessional Welfare Transition Program.--

(1) There is created the Certified Education Paraprofessional Welfare Transition Program to provide education and employment for recipients of public assistance who are certified to work in schools that, because of the high proportion of economically disadvantaged children enrolled, are at risk of poor performance on traditional measures of achievement. The program is designed to enable such schools to increase the number of adults working with the school children. However, the increase in personnel working at certain schools is intended to supplement and not to supplant the school staff and should not affect current school board employment and staffing policies, including those contained in collective bargaining agreements. The program is intended to be supported by local, state, and federal program funds for which the participants may be eligible. Further, the program is designed to provide its participants not only with entry-level employment but also with a marketable credential, a career option, and encouragement to advance.

(2) The Commissioner of Education, the secretary of the Department of Children and Family Services, and the director of the Agency for Workforce Innovation have joint responsibility for planning and conducting the program.

(3) The agencies responsible may make recommendations to the State Board of Education and the Legislature if they find that implementation or operation of the program would benefit from the adoption or waiver of state or federal policy, rule, or law, including recommendations regarding

program budgeting.

(4) The agencies shall complete an implementation plan that addresses at least the following recommended components of the program:

(a) A method of selecting participants. The method must not duplicate services provided by those assigned to screen participants of the welfare transition program, but must assure that screening personnel are trained to identify recipients of public assistance whose personal aptitudes and motivation make them most likely to succeed in the program and advance in a career related to the school community.

(b) A budget for use of incentive funding to provide motivation to participants to succeed and excel. The budget for incentive funding includes:

1. Funds allocated by the Legislature directly for the program.

2. Funds that may be made available from the federal Workforce Investment Act based on client eligibility or requested waivers to make the clients eligible.

3. Funds made available by implementation strategies that would make maximum use of work supplementation funds authorized by federal law.

4. Funds authorized by strategies to lengthen participants' eligibility for federal programs such as Medicaid, subsidized child care, and transportation.

Incentives may include a stipend during periods of college classroom training, a bonus and recognition for a high grade-point average, child care and prekindergarten services for children of participants, and services to increase a participant's ability to advance to higher levels of

employment. Nonfinancial incentives should include providing a mentor or tutor, and service incentives should continue and increase for any participant who plans to complete the baccalaureate degree and become a certified teacher. Services may be provided in accordance with family choice by community colleges and school district technical centers, through family service centers and full-service schools, or under contract with providers through central agencies.

(5) The agencies shall select Department of Children and Family Services districts to participate in the program. A district that wishes to participate must demonstrate that a district school board, a community college board of trustees, an economic services program administrator, and a regional workforce board are willing to coordinate to provide the educational program, support services, employment opportunities, and incentives required to fulfill the intent of this section.

(6)(a) A community college or school district technical center is eligible to participate if it provides a technical certificate program in Child Development Early Intervention as approved by Workforce Florida, Inc. Priority programs provide an option and incentives to articulate with an associate in science degree program or a baccalaureate degree program.

(b) A participating educational agency may earn funds appropriated for performance-based incentive funding for successful outcomes of enrollment and placement of recipients of public assistance who are in the program. In addition, an educational agency is eligible for an incentive award determined by Workforce Florida, Inc., for each recipient of public assistance who successfully completes a program leading

to the award of a General Education Development credential.

(c) Historically black colleges or universities that have established programs that serve participants in the welfare transition program are eligible to participate in the Performance Based Incentive Funding Program and may earn an incentive award determined by Workforce Florida, Inc., for successful placement of program completers in jobs as education paraprofessionals in at-risk schools.

(7)(a) A participating school district shall identify at-risk schools in which the program participants will work during the practicum part of their education. For purposes of this act, an at-risk school is a school with grades K-3 in which 50 percent or more of the students enrolled at the school are eligible for free lunches or reduced-price lunches. Priority schools are schools whose service zones include the participants' own communities.

(b) A participating school district may use funds appropriated by the Legislature from Agency for Workforce Innovation regional workforce board allotments to provide at least 6 months of on-the-job training to participants in the Certified Education Paraprofessional Welfare Transition Program. Participating school districts may also use funds provided by grant diversion of funds from the welfare transition program for the participants during the practicum portion of their training to earn the certificate required for their employment.

(8) The agencies shall give priority for funding to those programs that provide maximum security for the long-range employment and career opportunities of the program participants. Security is enhanced if employment is provided through a governmental or nongovernmental agency other than

the school board, or if the plans assure in another way that the participants will supplement, rather than supplant, the workforce available to the school board. It is the intent of the Legislature that, when a program participant succeeds in becoming a certified education paraprofessional after working successfully in a school during the practicum or on-the-job training supported by the program, the participant shall have the opportunity to continue in full-time employment at the school that provided the training or at another school in the district.

Section 448. Section 1009.65, Florida Statutes, is created to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.--

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced registered nurse practitioner certification or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program: medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, and advanced registered nurse practitioners with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice,

1 internal medicine, pediatrics, and other specialties which may
2 be identified by the Department of Health.
3 (2) From the funds available, the Department of Health
4 shall make payments to selected medical professionals as
5 follows:
6 (a) Up to $4,000 per year for licensed practical
7 nurses and registered nurses, up to $10,000 per year for
8 advanced registered nurse practitioners and physician's
9 assistants, and up to $20,000 per year for physicians.
10 Penalties for noncompliance shall be the same as those in the
11 National Health Services Corps Loan Repayment Program.
12 Educational expenses include costs for tuition, matriculation,
13 registration, books, laboratory and other fees, other
14 educational costs, and reasonable living expenses as
15 determined by the Department of Health.
16 (b) All payments shall be contingent on continued
17 proof of primary care practice in an area defined in s.
18 395.602(2)(e), or an underserved area designated by the
19 Department of Health, provided the practitioner accepts
20 Medicaid reimbursement if eligible for such reimbursement.
21 Correctional facilities, state hospitals, and other state
22 institutions that employ medical personnel shall be designated
23 by the Department of Health as underserved locations.
24 Locations with high incidences of infant mortality, high
25 morbidity, or low Medicaid participation by health care
26 professionals may be designated as underserved.
27 (c) The Department of Health may use funds
28 appropriated for the Medical Education Reimbursement and Loan
29 Repayment Program as matching funds for federal loan repayment
30 programs such as the National Health Service Corps State Loan
31 Repayment Program.

(3) The Department of Health may adopt any rules necessary for the administration of the Medical Education Reimbursement and Loan Repayment Program. The department may also solicit technical advice regarding conduct of the program from the Department of Education and Florida universities and community colleges. The Department of Health shall submit a budget request for an amount sufficient to fund medical education reimbursement, loan repayments, and program administration.

Section 449. Section 1009.66, Florida Statutes, is created to read:

1009.66 Nursing Student Loan Forgiveness Program.--

(1) To encourage qualified personnel to seek employment in areas of this state in which critical nursing shortages exist, there is established the Nursing Student Loan Forgiveness Program. The primary function of the program is to increase employment and retention of registered nurses and licensed practical nurses in nursing homes and hospitals in the state and in state-operated medical and health care facilities, public schools, birth centers, federally sponsored community health centers, family practice teaching hospitals, and specialty children's hospitals by making repayments toward loans received by students from federal or state programs or commercial lending institutions for the support of postsecondary study in accredited or approved nursing programs.

(2) To be eligible, a candidate must have graduated from an accredited or approved nursing program and have received a Florida license as a licensed practical nurse or a registered nurse or a Florida certificate as an advanced registered nurse practitioner.

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

(4) Receipt of funds pursuant to this program shall be contingent upon continued proof of employment in the designated facilities in this state. Loan principal payments shall be made by the Department of Health directly to the federal or state programs or commercial lending institutions holding the loan as follows:

(a) Twenty-five percent of the loan principal and accrued interest shall be retired after the first year of nursing;

(b) Fifty percent of the loan principal and accrued interest shall be retired after the second year of nursing;

(c) Seventy-five percent of the loan principal and accrued interest shall be retired after the third year of nursing; and

(d) The remaining loan principal and accrued interest shall be retired after the fourth year of nursing.

In no case may payment for any nurse exceed $4,000 in any 12-month period.

(5) There is created the Nursing Student Loan Forgiveness Trust Fund to be administered by the Department of Health pursuant to this section and s. 1009.67 and department rules. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Health. All moneys collected from the private health care industry and other private sources for the purposes of this section shall be deposited into the Nursing Student Loan Forgiveness Trust Fund. Any balance in the trust fund at the

end of any fiscal year shall remain therein and shall be available for carrying out the purposes of this section and s. 1009.67.

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

(7)(a) Funds contained in the Nursing Student Loan Forgiveness Trust Fund which are to be used for loan forgiveness for those nurses employed by hospitals, birth centers, and nursing homes must be matched on a dollar-for-dollar basis by contributions from the employing institutions, except that this provision shall not apply to state-operated medical and health care facilities, public schools, county health departments, federally sponsored community health centers, teaching hospitals as defined in s. 408.07, family practice teaching hospitals as defined in s. 395.805, or specialty hospitals for children as used in s. 409.9119. If in any given fiscal quarter there are insufficient funds in the trust fund to grant all eligible applicant requests, awards shall be based on the following priority of employer: county health departments; federally sponsored community health centers; state-operated medical and health care facilities; public schools; teaching hospitals as

defined in s. 408.07; family practice teaching hospitals as defined in s. 395.805; specialty hospitals for children as used in s. 409.9119; and other hospitals, birth centers, and nursing homes.

(b) All Nursing Student Loan Forgiveness Trust Fund moneys shall be invested pursuant to s. 18.125. Interest income accruing to that portion of the trust fund not matched shall increase the total funds available for loan forgiveness and scholarships. Pledged contributions shall not be eligible for matching prior to the actual collection of the total private contribution for the year.

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

(9) The Department of Health is authorized to recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the Nursing Student Loan Forgiveness Program.

(10) The Department of Health may adopt rules necessary to administer this program.

(11) This section shall be implemented only as specifically funded.

Section 450. Section 1009.67, Florida Statutes, is created to read:

1009.67 Nursing scholarship program.--

(1) There is established within the Department of Health a scholarship program for the purpose of attracting capable and promising students to the nursing profession.

(2) A scholarship applicant shall be enrolled as a full-time or part-time student in the upper division of an approved nursing program leading to the award of a

1 baccalaureate degree or graduate degree to qualify for a
2 nursing faculty position or as an advanced registered nurse
3 practitioner or be enrolled as a full-time or part-time
4 student in an approved program leading to the award of an
5 associate degree in nursing.
6 (3) A scholarship may be awarded for no more than 2
7 years, in an amount not to exceed $8,000 per year. However,
8 registered nurses pursuing a graduate degree for a faculty
9 position or to practice as an advanced registered nurse
10 practitioner may receive up to $12,000 per year. Beginning
11 July 1, 1998, these amounts shall be adjusted by the amount of
12 increase or decrease in the consumer price index for urban
13 consumers published by the United States Department of
14 Commerce.
15 (4) Credit for repayment of a scholarship shall be as
16 follows:
17 (a) For each full year of scholarship assistance, the
18 recipient agrees to work for 12 months in a faculty position
19 in a college of nursing or community college nursing program
20 in this state or at a health care facility in a medically
21 underserved area as approved by the Department of Health.
22 Scholarship recipients who attend school on a part-time basis
23 shall have their employment service obligation prorated in
24 proportion to the amount of scholarship payments received.
25 (b) Eligible health care facilities include nursing
26 homes and hospitals in this state, state-operated medical or
27 health care facilities, public schools, county health
28 departments, federally sponsored community health centers,
29 colleges of nursing in universities in this state, and
30 community college nursing programs in this state, family
31 practice teaching hospitals as defined in s. 395.805, or

1 specialty children's hospitals as described in s. 409.9119.
2 The recipient shall be encouraged to complete the service
3 obligation at a single employment site. If continuous
4 employment at the same site is not feasible, the recipient may
5 apply to the department for a transfer to another approved
6 health care facility.
7 (c) Any recipient who does not complete an appropriate
8 program of studies or who does not become licensed shall repay
9 to the Department of Health, on a schedule to be determined by
10 the department, the entire amount of the scholarship plus 18
11 percent interest accruing from the date of the scholarship
12 payment. Moneys repaid shall be deposited into the Nursing
13 Student Loan Forgiveness Trust Fund established in s. 1009.66.
14 However, the department may provide additional time for
15 repayment if the department finds that circumstances beyond
16 the control of the recipient caused or contributed to the
17 default.
18 (d) Any recipient who does not accept employment as a
19 nurse at an approved health care facility or who does not
20 complete 12 months of approved employment for each year of
21 scholarship assistance received shall repay to the Department
22 of Health an amount equal to two times the entire amount of
23 the scholarship plus interest accruing from the date of the
24 scholarship payment at the maximum allowable interest rate
25 permitted by law. Repayment shall be made within 1 year of
26 notice that the recipient is considered to be in default.
27 However, the department may provide additional time for
28 repayment if the department finds that circumstances beyond
29 the control of the recipient caused or contributed to the
30 default.
31 (5) Scholarship payments shall be transmitted to the

recipient upon receipt of documentation that the recipient is enrolled in an approved nursing program. The Department of Health shall develop a formula to prorate payments to scholarship recipients so as not to exceed the maximum amount per academic year.

(6) The Department of Health shall adopt rules, including rules to address extraordinary circumstances that may cause a recipient to default on either the school enrollment or employment contractual agreement, to implement this section and may solicit technical assistance relating to the conduct of this program from the Department of Health.

(7) The Department of Health may recover from the Nursing Student Loan Forgiveness Trust Fund its costs for administering the nursing scholarship program.

Section 451. Section 1009.68, Florida Statutes, is created to read:

1009.68 Florida Minority Medical Education Program.--

(1) There is created a Florida Minority Medical Education Program to be administered by the Department of Education in accordance with rules established by the State Board of Education. The program shall provide scholarships to enable minority students to pursue a medical education at the University of Florida, the University of South Florida, Florida State University, the University of Miami, or Southeastern University of the Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.

(2) In order to be eligible to receive a scholarship pursuant to this section, an applicant shall:

(a) Be a racial or ethnic minority student.

(b) Be a citizen of the United States and meet the

general eligibility requirements as provided in s. 1009.40, except as otherwise provided in this section.

(c) Have maintained residency in this state for no less than 1 year preceding the award.

(d) Be accepted by, and enroll as a full-time student in, a Florida medical school.

(e) Have an undergraduate grade point average established by rule.

(f) Have received scores on selected examinations established by rule.

(g) Meet financial need requirements established by rule.

(h) Agree to serve in a medical corps for a period of not less than 2 years for the purpose of providing health care to underserved individuals in the State of Florida.

(3) In order to renew a scholarship awarded pursuant to this section, a student shall maintain full-time student status and a cumulative grade point average established by rule.

(4) The number of scholarships annually awarded shall be three per school. Priority in the distribution of scholarships shall be given to students with the lowest total family resources.

(5) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. Interest income accruing to the program from funds of the program in the trust fund not allocated shall increase the funds available for scholarships. Any balance in the trust fund at the end of any fiscal year that has been allocated to the program shall remain in the trust fund and shall be available for carrying out the purposes of

1 this section.
2 (6) A scholarship recipient who, upon graduation,
3 defaults on the commitment to serve in the medical corps for
4 the full 2 years shall be required to repay all scholarship
5 money plus interest.
6 (7) The State Board of Education shall adopt rules
7 necessary to implement the provisions of this section.
8 Section 452. Section 1009.69, Florida Statutes, is
9 created to read:
10 1009.69 Virgil Hawkins Fellows Assistance Program.--
11 (1) The Virgil Hawkins Fellows Assistance Program
12 shall provide financial assistance for study in law to
13 minority students in the colleges of law at the Florida State
14 University, the University of Florida, the Florida
15 Agricultural and Mechanical University, and the Florida
16 International University. For the purposes of this section, a
17 minority student qualified to receive assistance from the
18 Virgil Hawkins Fellows Assistance Program shall be identified
19 pursuant to policies adopted by the State Board of Education.
20 (2) Each student who is awarded a fellowship shall be
21 entitled to receive an award under this act for each academic
22 term that the student is in good standing as approved by the
23 law school pursuant to guidelines of the State Board of
24 Education.
25 (3) If a fellowship vacancy occurs, that slot shall be
26 reassigned and funded as a continuing fellowship for the
27 remainder of the period for which the award was originally
28 designated.
29 (4) The State Board of Education shall adopt policies,
30 and the Department of Education shall administer the Virgil
31 Hawkins Fellows Assistance Program.

Amendment No. ___ (for drafter's use only)

1 Section 453. Section 1009.70, Florida Statutes, is
2 created to read:
3 1009.70 Florida Education Fund.--
4 (1) This section shall be known and may be cited as
5 the "Florida Education Fund Act."
6 (2)(a) The Florida Education Fund, a not-for-profit
7 statutory corporation, is created from a challenge endowment
8 grant from the McKnight Foundation and operates on income
9 derived from the investment of endowment gifts and other gifts
10 as provided by state statute and appropriate matching funds as
11 provided by the state.
12 (b) The amount appropriated to the fund shall be on
13 the basis of $1 for each $2 contributed by private sources.
14 The Florida Education Fund shall certify to the Legislature
15 the amount of donations contributed between July 1, 1990, and
16 June 30, 1991. Only the new donations above the certified base
17 shall be calculated for state matching funds during the first
18 year of the program. In subsequent years, only the new
19 donations above the certified prior year base shall be
20 calculated for state matching funds.
21 (3) The Florida Education Fund shall use the income of
22 the fund to provide for programs which seek to:
23 (a) Enhance the quality of higher educational
24 opportunity in this state;
25 (b) Enhance equality by providing access to effective
26 higher education programs by minority and economically
27 deprived individuals in this state, with particular
28 consideration to be given to the needs of both blacks and
29 women; and
30 (c) Increase the representation of minorities in
31 faculty and administrative positions in higher education in

this state and to provide more highly educated minority leadership in business and professional enterprises in this state.

(4) The Florida Education Fund shall be administered by a board of directors, which is hereby established.

(a) The board of directors shall consist of 12 members, to be appointed as follows:

1. Two laypersons appointed by the Governor;

2. Two laypersons appointed by the President of the Senate;

3. Two laypersons appointed by the Speaker of the House of Representatives; and

4. Two representatives of state universities, two representatives of public community colleges, and two representatives of independent colleges or universities appointed by the State Board of Education.

The board of directors may appoint to the board an additional five members from the private sector for the purpose of assisting in the procurement of private contributions. Such members shall serve as voting members of the board.

(b) Each of the educational sectors in paragraph (a) shall be represented by a president and a faculty member of the corresponding institutions.

(c) Each director shall hold office for a term of 3 years or until resignation or removal for cause. A director may resign at any time by filing his or her written resignation with the executive secretary for the board. The terms of the directors shall be staggered so that the terms of one-third of the directors will expire annually.

(d) In the event of a vacancy on the board caused by

other than the expiration of a term, a new member shall be appointed by the appointing entity in the sector of which the vacancy occurs.

(e) Each member is accountable to the Governor for the proper performance of the duties of his or her office. The Governor shall cause any complaint or unfavorable report received concerning an action of the board or any of its members to be investigated and shall take appropriate action thereon. The Governor may remove any member from office for malfeasance, misfeasance, neglect of duty, incompetence, or permanent inability to perform his or her official duties or for pleading nolo contendere to, or being found guilty of, a crime.

(5) The Board of Directors of the Florida Education Fund shall review and evaluate initial programs created by the McKnight Foundation and continue funding the Black Doctorate Fellowship Program and the Junior Fellowship Program if the evaluation is positive, and the board shall identify, initiate, and fund new and creative programs and monitor, review, and evaluate those programs. The purpose of this commitment is to broaden the participation and funding potential for further significant support of higher education in this state. In addition, the board shall:

(a) Hold such meetings as are necessary to implement the provisions of this section.

(b) Select a chairperson annually.

(c) Adopt and use an official seal in the authentication of its acts.

(d) Make rules for its own government.

(e) Administer this section.

(f) Appoint an executive director to serve at its

pleasure and perform all duties assigned by the board. The executive director shall be the chief administrative officer and agent of the board.

(g) Maintain a record of its proceedings.

(h) Delegate to the chairperson of the board the responsibility for signing final orders.

(i) Utilize existing higher education organizations, associations, and agencies to carry out its educational programs and purposes with minimal staff employment.

(j) Be empowered to enter into contracts with the Federal Government, state agencies, or individuals.

(k) Receive bequests, gifts, grants, donations, and other valued goods and services. Such bequests and gifts shall be used only for the purpose or purposes stated by the donor.

(6) The board of directors is authorized to establish a trust fund from the proceeds of the Florida Education Fund. All funds deposited into the trust fund shall be invested pursuant to the provisions of s. 215.47. Interest income accruing to the unused portion of the trust fund shall increase the total funds available for endowments. The Department of Education may, at the request of the board of directors, administer the fund for investment purposes.

(7) It is the intent of the Legislature that the Board of Directors of the Florida Education Fund recruit eligible residents of the state before it extends its search to eligible nonresidents. However, for the purposes of subsection (8), the board of directors shall recruit eligible residents only. It is further the intent of the Legislature that the board of directors establish service terms, if any, that accompany the award of moneys from the fund.

1 (8) There is created a legal education component of
2 the Florida Education Fund to provide the opportunity for
3 minorities to attain representation within the legal
4 profession proportionate to their representation within the
5 general population. The legal education component of the
6 Florida Education Fund includes a law school program and a
7 pre-law program.
8 (a) The law school scholarship program of the Florida
9 Education Fund is to be administered by the Board of Directors
10 of the Florida Education Fund for the purpose of increasing by
11 200 the number of minority students enrolled in law schools in
12 this state. Implementation of this program is to be phased in
13 over a 3-year period.
14 1. The board of directors shall provide financial,
15 academic, and other support to students selected for
16 participation in this program from funds appropriated by the
17 Legislature.
18 2. Student selection must be made in accordance with
19 rules adopted by the board of directors for that purpose and
20 must be based, at least in part, on an assessment of potential
21 for success, merit, and financial need.
22 3. Support must be made available to students who
23 enroll in private, as well as public, law schools in this
24 state which are accredited by the American Bar Association.
25 4. Scholarships must be paid directly to the
26 participating students.
27 5. Students who participate in this program must agree
28 in writing to sit for The Florida Bar examination and, upon
29 successful admission to The Florida Bar, to either practice
30 law in the state for a period of time equal to the amount of
31 time for which the student received aid, up to 3 years, or

repay the amount of aid received.

6. Annually the board of directors shall compile a report that includes a description of the selection process, an analysis of the academic progress of all scholarship recipients, and an analysis of expenditures. This report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

(b) The minority pre-law scholarship loan program of the Florida Education Fund is to be administered by the Board of Directors of the Florida Education Fund for the purpose of increasing the opportunity of minority students to prepare for law school.

1. From funds appropriated by the Legislature, the board of directors shall provide for student fees, room, board, books, supplies, and academic and other support to selected minority undergraduate students matriculating at eligible public and independent colleges and universities in Florida.

2. Student selection must be made in accordance with rules adopted by the board of directors for that purpose and must be based, at least in part, on an assessment of potential for success, merit, and financial need.

3. To be eligible, a student must make a written agreement to enter or be accepted to enter a law school in this state within 2 years after graduation or repay the scholarship loan amount plus interest at the prevailing rate.

4. Recipients who fail to gain admission to a law school within the specified period of time, may, upon admission to law school, be eligible to have their loans canceled.

5. Minority pre-law scholarship loans shall be

provided to 34 minority students per year for up to 4 years each, for a total of 136 scholarship loans. To continue receipt of scholarship loans, recipients must maintain a 2.75 grade point average for the freshman year and a 3.25 grade point average thereafter. Participants must also take specialized courses to enhance competencies in English and logic.

6. The board of directors shall maintain records on all scholarship loan recipients. Participating institutions shall submit academic progress reports to the board of directors following each academic term. Annually, the board of directors shall compile a report that includes a description of the selection process, an analysis of the academic progress of all scholarship loan recipients, and an analysis of expenditures. This report must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Governor.

Section 454. Section 1009.72, Florida Statutes, is created to read:

1009.72 Jose Marti Scholarship Challenge Grant Program.--

(1) There is hereby established a Jose Marti Scholarship Challenge Grant Program to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The program shall provide matching grants for private sources that raise money for scholarships to be awarded to Hispanic-American students.

(2) Funds appropriated by the Legislature for the program shall be deposited in the State Student Financial Assistance Trust Fund. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers

1 approved by the Department of Education. All moneys collected
2 from private sources for the purposes of this section shall be
3 deposited into the trust fund. Any balance in the trust fund
4 at the end of any fiscal year that has been allocated to the
5 program shall remain therein and shall be available for
6 carrying out the purposes of the program.
7 (3) The Legislature shall designate funds to be
8 transferred to the trust fund for the program from the General
9 Revenue Fund. Such funds shall be divided into challenge
10 grants to be administered by the Department of Education. All
11 appropriated funds deposited into the trust fund for the
12 program shall be invested pursuant to the provisions of s.
13 18.125. Interest income accruing to that portion of the funds
14 that are allocated to the program in the trust fund and not
15 matched shall increase the total funds available for the
16 program.
17 (4) The amount appropriated to the trust fund for the
18 program shall be allocated by the department on the basis of
19 one $5,000 challenge grant for each $2,500 raised from private
20 sources. Matching funds shall be generated through
21 contributions made after July 1, 1986, and pledged for the
22 purposes of this section. Pledged contributions shall not be
23 eligible for matching prior to the actual collection of the
24 total funds.
25 (5)(a) In order to be eligible to receive a
26 scholarship pursuant to this section, an applicant shall:
27 1. Be a Hispanic-American, or a person of Spanish
28 culture with origins in Mexico, South America, Central
29 America, or the Caribbean, regardless of race.
30 2. Be a citizen of the United States and meet the
31 general requirements for student eligibility as provided in s.

1009.40, except as otherwise provided in this section.

3. Be accepted at a state university or community college or any Florida college or university that is accredited by an association whose standards are comparable to the minimum standards required to operate a postsecondary education institution at that level in Florida.

4. Enroll as a full-time undergraduate or graduate student.

5. Earn a 3.0 unweighted grade point average on a 4.0 scale, or the equivalent for high school subjects creditable toward a diploma. If an applicant applies as a graduate student, he or she shall have earned a 3.0 cumulative grade point average for undergraduate college-level courses.

(b) In order to renew a scholarship awarded pursuant to this section, a student must:

1. Earn a grade point average of at least 3.0 on a 4.0 scale for the previous term, maintain at least a 3.0 average for college work, or have an average below 3.0 only for the previous term and be eligible for continued enrollment at the institution.

2. Maintain full-time enrollment.

(6) The annual scholarship to each recipient shall be $2,000. Priority in the distribution of scholarships shall be given to students with the lowest total family resources. Renewal scholarships shall take precedence over new awards in any year in which funds are not sufficient to meet the total need. No undergraduate student shall receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of no more than 6 consecutive years, except as otherwise provided in s. 1009.40(3). No graduate student shall receive an award for more than the equivalent of 4

1 semesters or 6 quarters.
2 (7) The criteria and procedure for establishing
3 standards of eligibility shall be determined by the
4 department. The department is directed to establish a rating
5 system upon which to base the approval of grants. Such system
6 shall include a certification of acceptability by the
7 postsecondary institution of the applicant's choice.
8 (8) Payment of scholarships shall be transmitted to
9 the president of the postsecondary institution that the
10 recipient is attending or to the president's designee. Should
11 a recipient terminate his or her enrollment during the
12 academic year, the president or his or her designee shall
13 refund the unused portion of the scholarship to the department
14 within 60 days. In the event that a recipient transfers from
15 one eligible institution to another, his or her scholarship
16 shall be transferable upon approval of the department.
17 (9) This section shall be implemented to the extent
18 funded and authorized by law.
19 Section 455. Section 1009.73, Florida Statutes, is
20 created to read:
21 1009.73 Mary McLeod Bethune Scholarship Program.--
22 (1) There is established the Mary McLeod Bethune
23 Scholarship Program to be administered by the Department of
24 Education pursuant to this section and rules of the State
25 Board of Education. The program shall provide matching grants
26 for private sources that raise money for scholarships to be
27 awarded to students who attend Florida Agricultural and
28 Mechanical University, Bethune-Cookman College, Edward Waters
29 College, or Florida Memorial College.
30 (2) Funds appropriated by the Legislature for the
31 program shall be deposited in the State Student Financial

1 Assistance Trust Fund. The Comptroller shall authorize
2 expenditures from the trust fund upon receipt of vouchers
3 approved by the Department of Education. The Department of
4 Education shall receive all moneys collected from private
5 sources for the purposes of this section and shall deposit
6 such moneys into the trust fund. Notwithstanding the
7 provisions of s. 216.301 and pursuant to s. 216.351, any
8 balance in the trust fund at the end of any fiscal year that
9 has been allocated to the program shall remain in the trust
10 fund and shall be available for carrying out the purposes of
11 the program.
12 (3) The Legislature shall appropriate moneys to the
13 trust fund for the program from the General Revenue Fund. Such
14 moneys shall be applied to scholarships to be administered by
15 the Department of Education. All moneys deposited into the
16 trust fund for the program shall be invested pursuant to the
17 provisions of s. 18.125. Interest income accruing to the
18 program shall be expended to increase the total moneys
19 available for scholarships.
20 (4) The moneys in the trust fund for the program shall
21 be allocated by the department among the institutions of
22 higher education listed in subsection (1) on the basis of one
23 $2,000 challenge grant for each $1,000 raised from private
24 sources. Matching funds shall be generated through
25 contributions made after July 1, 1990, and pledged for the
26 purposes of this section. Pledged contributions shall not be
27 eligible for matching prior to the actual collection of the
28 total funds. The department shall allocate to each of those
29 institutions a proportionate share of the contributions
30 received on behalf of those institutions and a share of the
31 appropriations and matching funds generated by such

institution.

(5)(a) In order to be eligible to receive a scholarship pursuant to this section, an applicant must:

1. Meet the general eligibility requirements set forth in s. 1009.40.

2. Be accepted at Florida Agricultural and Mechanical University, Bethune-Cookman College, Edward Waters College, or Florida Memorial College.

3. Enroll as a full-time undergraduate student.

4. Earn a 3.0 grade point average on a 4.0 scale, or the equivalent, for high school subjects creditable toward a diploma.

(b) In order to renew a scholarship awarded pursuant to this section, a student must earn a minimum cumulative grade point average of 3.0 on a 4.0 scale and complete 12 credits each term for which the student received the scholarship.

(6) The amount of the scholarship to be granted to each recipient is $3,000 annually. Priority in the awarding of scholarships shall be given to students having financial need as determined by the institution. If funds are insufficient to provide the full amount of the scholarship authorized in this section to each eligible applicant, the institution may prorate available funds and make a partial award to each eligible applicant. A student may not receive an award for more than the equivalent of 8 semesters or 12 quarters over a period of 6 consecutive years, except that a student who is participating in college-preparatory instruction or who requires additional time to complete the college-level communication and computation skills testing program may continue to receive a scholarship while enrolled

for the purpose of receiving college-preparatory instruction or while completing the testing program.

(7) The criteria and procedure for establishing standards of eligibility shall be determined by the department. The department shall establish a rating system upon which the institutions shall award the scholarships. The system must require a certification of eligibility issued by the postsecondary institution selected by the applicant.

(8) Scholarship moneys shall be transmitted to the president or the president's designee of the postsecondary institution that the recipient is attending. The president or his or her designee shall submit a report annually to the Department of Education on the scholarships. If a recipient terminates his or her enrollment during the academic year, the president or his or her designee shall refund the unused portion of the scholarship to the department within 60 days. If a recipient transfers from one of the institutions listed in subsection (1) to another of those institutions, the recipient's scholarship is transferable upon approval of the department.

(9) This section shall be implemented in any academic year to the extent funded and authorized by law.

(10) The State Board of Education may adopt any rules necessary to implement the provisions of this section.

Section 456. Section 1009.74, Florida Statutes, is created to read:

1009.74 The Theodore R. and Vivian M. Johnson Scholarship Program.--

(1) There is established the Theodore R. and Vivian M. Johnson Scholarship Program to be administered by the Department of Education. The program shall provide

scholarships to students attending a state university. The program shall be funded by contributions from the Theodore R. and Vivian M. Johnson Scholarship Foundation and from state matching funds to be allocated from the Trust Fund for Major Gifts.

(2) The amount to be allocated to the program shall be on the basis of a 50-percent match of funds from the Trust Fund for Major Gifts for each contribution received from the Theodore R. and Vivian M. Johnson Scholarship Foundation. The funds allocated to the program, including the corpus and interest income, shall be expended for scholarships to benefit disabled students attending a state university.

(3) Students eligible for receipt of scholarship funds shall provide documentation of a disability and shall have a demonstrated financial need for the funds.

Section 457. Section 1009.76, Florida Statutes, is created to read:

1009.76 Ethics in Business Scholarship Program for state universities.--The Ethics in Business Scholarship Program for state universities is hereby created, to be administered by the Department of Education. Moneys appropriated and allocated to university foundations for purposes of the program shall be used to create endowments for the purpose of providing scholarships to undergraduate college students enrolled in state institutions of higher learning who register for one or more credit hours in courses in business ethics and who have demonstrated a commitment to serving the interests of their community. First priority for awarding such scholarships shall be given to students who demonstrate financial need.

Section 458. Section 1009.765, Florida Statutes, is

created to read:

1009.765 Ethics in Business scholarships for community colleges and independent postsecondary educational institutions.--When the Department of Insurance receives a $6 million settlement as specified in the Consent Order of the Treasurer and Insurance Commissioner, case number 18900-96-c, that portion of the $6 million not used to satisfy the requirements of section 18 of the Consent Order must be transferred from the Insurance Commissioner's Regulatory Trust Fund to the State Student Financial Assistance Trust Fund is appropriated from the State Student Financial Assistance Trust Fund to provide Ethics in Business scholarships to students enrolled in public community colleges and independent postsecondary educational institutions eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89. The funds shall be allocated to institutions for scholarships in the following ratio: Two-thirds for community colleges and one-third for eligible independent institutions. The Department of Education shall administer the scholarship program for students attending community colleges and independent institutions. These funds must be allocated to institutions that provide an equal amount of matching funds generated by private donors for the purpose of providing Ethics in Business scholarships. Public funds may not be used to provide the match, nor may funds collected for other purposes. Notwithstanding any other provision of law, the State Board of Administration shall have the authority to invest the funds appropriated under this section. The Department of Education may adopt rules for administration of the program.

Section 459. Section 1009.77, Florida Statutes, is

created to read:

1009.77 Florida Work Experience Program.--

(1) There is established the Florida Work Experience Program to be administered by the Department of Education. The purpose of the program is to introduce eligible students to work experience that will complement and reinforce their educational program and career goals and provide a self-help student aid program. Such program shall be available to:

(a) Any student attending a state university or community college authorized by Florida law; or

(b) Any student attending a nonprofit Florida postsecondary education institution that is eligible to participate in either of the student assistance grant programs established in ss. 1009.51 and 1009.52.

(2)(a) A participating institution may use up to 25 percent of its program allocation for student employment within the institution.

(b) A participating institution may use up to 10 percent of its program allocation for program administration.

(3) Each participating institution is authorized to enter into contractual agreements with private or public employers for the purpose of establishing a Florida work experience program.

(4) The participating postsecondary educational institution shall be responsible for reimbursing employers for student wages from moneys it receives from the trust fund pursuant to subsection (8). Public elementary or secondary school employers shall be reimbursed for 100 percent of the student's wages by the participating institution. All other employers shall be reimbursed for 70 percent of the student's wages. When a college or university employs a student on

campus through this program, other student financial aid funds may not be used to fund the institution's 30-percent portion of the student's wages.

(5) The employer is responsible for furnishing the full cost of any mandatory benefits. Such benefits may not be considered part of the 30-percent wage requirement total for matching purposes.

(6) A student is eligible to participate in the Florida Work Experience Program if the student:

(a) Is enrolled at an eligible college or university as no less than a half-time undergraduate student in good standing. However, a student may be employed during the break between two consecutive terms or employed, although not enrolled, during a term if the student was enrolled at least half time during the preceding term and preregisters as no less than a half-time student for the subsequent academic term. A student who attends an institution that does not provide preregistration shall provide documentation of intent to enroll as no less than a half-time student for the subsequent academic term.

(b) Meets the general requirements for student eligibility as provided in s. 1009.40, except as otherwise provided in this section.

(c) Demonstrates financial need.

(d) Maintains a 2.0 cumulative grade point average on a 4.0 scale for all college work.

(7) The Department of Education shall prescribe such rules for the program as are necessary for its administration, for the determination of eligibility and selection of institutions to receive funds for students, to ensure the proper expenditure of funds, and to provide an equitable

distribution of funds between students at public and independent colleges and universities.

(8) Funds appropriated by the Legislature for the Florida Work Experience Program shall be deposited in the State Student Financial Assistance Trust Fund. The Comptroller shall authorize expenditures from the trust fund upon receipt of vouchers approved by the Department of Education. Any balance therein at the end of any fiscal year that has been allocated to the program shall remain therein and shall be available for carrying out the purposes of the program.

Section 460. Section 1009.78, Florida Statutes, is created to read:

1009.78 Student Loan Program.--There is hereby created a Student Loan Program, referred to in ss. 1009.78-1009.88 as the program.

Section 461. Section 1009.79, Florida Statutes, is created to read:

1009.79 Issuance of revenue bonds pursuant to s. 15, Art. VII, State Constitution.--

(1) The issuance of revenue bonds to finance the establishment of the program, to be payable primarily from payments of interest, principal, and handling charges to the program from the recipients of the loans, and with the other revenues authorized hereby being pledged as additional security, is hereby authorized, subject and pursuant to the provisions of s. 15, Art. VII, State Constitution; the State Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

(2) The amount of such revenue bonds to be issued shall be determined by the Division of Bond Finance of the State Board of Administration. However, the total principal amount outstanding shall not exceed $80 million, other than

refunding bonds issued pursuant to s. 215.79.

Section 462. Section 1009.80, Florida Statutes, is created to read:

1009.80 Approval of loans; administration of program.--

(1) The loans to be made with the proceeds of the program shall be determined and approved by the Department of Education, pursuant to rules promulgated by the State Board of Education. The program shall be administered by the Department of Education as provided by law and the proceeds thereof shall be maintained and secured in the same manner as other public trust funds.

(2) The Department of Education may contract for the purchase of federally insured student loans to be made by other eligible lenders under the guaranteed student loan program; however, any such loans must comply with all applicable requirements of s. 15, Art. VII of the State Constitution, ss. 1009.78-1009.88, the rules of the State Board of Education relating to the guaranteed student loan program, and the proceedings authorizing the student loan revenue bonds, and the loans so purchased shall have been made during the period specified in the contract.

(3) The Department of Education may sell loan notes acquired pursuant to ss. 1009.78-1009.88 to the federally created Student Loan Marketing Association or another federally authorized holder of such notes. The department may also repurchase loan notes from authorized holders of such notes. The department shall comply with applicable federal law and regulations and the provisions of any agreement with the Student Loan Marketing Association or the other authorized holders.

Amendment No. ___ (for drafter's use only)

Section 463. Section 1009.81, Florida Statutes, is created to read:

1009.81 Loan agreements.--The Department of Education may enter into loan agreements between the department and the recipients of loans from the program for such periods and under such other terms and conditions as may be prescribed by the applicable rules and regulations and mutually agreed upon by the parties thereto in order to carry out the purposes of s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

Section 464. Section 1009.82, Florida Statutes, is created to read:

1009.82 Terms of loans.--The term of all authorized loans shall be fixed by rules adopted by the state board and the loan agreements to be entered into with the student borrowers.

Section 465. Section 1009.83, Florida Statutes, is created to read:

1009.83 Rate of interest and other charges.--The Department of Education shall from time to time fix the interest and other charges to be paid for any student loan, at rates sufficient to pay the interest on revenue bonds issued pursuant to ss. 1009.78-1009.88, plus any costs incident to issuance, sale, security, and retirement thereof, including administrative expenses.

Section 466. Section 1009.84, Florida Statutes, is created to read:

1009.84 Procurement of insurance as security for loans.--The Department of Education may contract with any insurance company or companies licensed to do business in the state for insurance payable in the event of the death or total disability of any student borrower in an amount sufficient to

retire the principal and interest owed under a loan made as provided in ss. 1009.78-1009.88. The cost of any insurance purchased under this section shall be paid by the student borrower as a part of the handling charges for the loan or as a separate item to be paid in connection with the loan.

Section 467. Section 1009.85, Florida Statutes, is created to read:

1009.85 Participation in guaranteed student loan program.--The State Board of Education shall adopt rules necessary for participation in the guaranteed student loan program, as provided by the Higher Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The intent of this act is to authorize student loans when this state, through the Department of Education, has become an eligible lender under the provisions of the applicable federal laws providing for the guarantee of loans to students and the partial payment of interest on such loans by the United States Government.

Section 468. Section 1009.86, Florida Statutes, is created to read:

1009.86 Student Loan Operating Trust Fund.--

(1) The Student Loan Operating Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund pursuant to the Higher Education Act of 1965, as amended, from loan processing and issuance fees, administrative cost allowances, account maintenance fees, default aversion fees, amounts remaining from collection of defaulted loans, amounts borrowed from the Student Loan Guaranty Reserve Fund, and other amounts specified in federal regulation. The purpose of the trust fund is to segregate funds used for administration of the

guaranteed student loan program from the reserve funds used to guarantee student loans contained in the Student Loan Guaranty Reserve Fund. The fund is exempt from the service charges imposed by s. 215.20.

(2) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

(3) Pursuant to the provisions of s. 19(f)(2), Art. III of the State Constitution, the trust fund shall, unless terminated sooner, be terminated on July 1, 2003. However, prior to its scheduled termination, the trust fund shall be reviewed as provided in s. 215.3206(1) and (2).

Section 469. Section 1009.87, Florida Statutes, is created to read:

1009.87 Provisions of ss. 1009.78-1009.88 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in addition to the other provisions of this chapter and shall not be construed to be in derogation thereof, except as otherwise expressly provided hereby.

Section 470. Section 1009.88, Florida Statutes, is created to read:

1009.88 Validation of bonds.--Revenue bonds issued pursuant to ss. 1009.78-1009.88 shall be validated in the manner provided by chapter 75. In actions to validate such revenue bonds, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required by s. 75.06 to be published shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall

be served only on the attorney of the circuit in which the action is pending.

Section 471. Section 1009.89, Florida Statutes, is created to read:

1009.89 The William L. Boyd, IV, Florida resident access grants.--

(1) The Legislature finds and declares that independent nonprofit colleges and universities eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program are an integral part of the higher education system in this state and that a significant number of state residents choose this form of higher education. The Legislature further finds that a strong and viable system of independent nonprofit colleges and universities reduces the tax burden on the citizens of the state. Because the William L. Boyd, IV, Florida Resident Access Grant Program is not related to a student's financial need or other criteria upon which financial aid programs are based, it is the intent of the Legislature that the William L. Boyd, IV, Florida Resident Access Grant Program not be considered a financial aid program but rather a tuition assistance program for its citizens.

(2) The William L. Boyd, IV, Florida Resident Access Grant Program shall be administered by the Department of Education. The State Board of Education shall adopt rules for the administration of the program.

(3) The department shall issue through the program a William L. Boyd, IV, Florida resident access grant to any full-time degree-seeking undergraduate student registered at an independent nonprofit college or university which is located in and chartered by the state; which is accredited by the Commission on Colleges of the Southern Association of

1 Colleges and Schools; which grants baccalaureate degrees;
2 which is not a state university or state community college;
3 and which has a secular purpose, so long as the receipt of
4 state aid by students at the institution would not have the
5 primary effect of advancing or impeding religion or result in
6 an excessive entanglement between the state and any religious
7 sect. Any independent college or university that was eligible
8 to receive tuition vouchers on January 1, 1989, and which
9 continues to meet the criteria under which its eligibility was
10 established, shall remain eligible to receive William L. Boyd,
11 IV, Florida resident access grant payments.
12 (4) A person is eligible to receive such William L.
13 Boyd, IV, Florida resident access grant if:
14 (a) He or she meets the general requirements,
15 including residency, for student eligibility as provided in s.
16 1009.40, except as otherwise provided in this section; and
17 (b)1. He or she is enrolled as a full-time
18 undergraduate student at an eligible college or university;
19 2. He or she is not enrolled in a program of study
20 leading to a degree in theology or divinity; and
21 3. He or she is making satisfactory academic progress
22 as defined by the college or university in which he or she is
23 enrolled.
24 (5)(a) Funding for the William L. Boyd, IV, Florida
25 Resident Access Grant Program shall be based on a formula
26 composed of planned enrollment and the state cost of funding
27 undergraduate enrollment at public institutions pursuant to s.
28 1011.90. The amount of the William L. Boyd, IV, Florida
29 resident access grant issued to a full-time student shall be
30 an amount as specified in the General Appropriations Act. The
31 William L. Boyd, IV, Florida resident access grant may be paid

on a prorated basis in advance of the registration period. The department shall make such payments to the college or university in which the student is enrolled for credit to the student's account for payment of tuition and fees. Institutions shall certify to the department the amount of funds disbursed to each student and shall remit to the department any undisbursed advances or refunds within 60 days of the end of regular registration. Students shall not be eligible to receive the award for more than 9 semesters or 14 quarters, except as otherwise provided in s. 1009.40(3).

(b) If the combined amount of the William L. Boyd, IV, Florida resident access grant issued pursuant to this act and all other scholarships and grants for tuition or fees exceeds the amount charged to the student for tuition and fees, the department shall reduce the William L. Boyd, IV, Florida resident access grant issued pursuant to this act by an amount equal to such excess.

(6) Funds appropriated by the Legislature for the William L. Boyd, IV, Florida Resident Access Grant Program shall be deposited in the State Student Financial Assistance Trust Fund. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year which has been allocated to the William L. Boyd, IV, Florida Resident Access Grant Program shall remain therein and shall be available for carrying out the purposes of this section. If the number of eligible students exceeds the total authorized in the General Appropriations Act, an institution may use its own resources to assure that each eligible student receives the full benefit of the grant amount authorized.

Section 472. Part III.c. of chapter 1009, Florida

1 Statutes, shall be entitled "Role of the Department of
2 Education" and shall consist of ss. 1009.90-1009.96.
3 Section 473. Section 1009.90, Florida Statutes, is
4 created to read:
5 1009.90 Duties of the Department of Education.--The
6 duties of the department shall include:
7 (1) Administration of this part and rules adopted by
8 the State Board of Education.
9 (2) Administration of federal funding, insurance, or
10 reinsurance in full compliance with applicable federal laws
11 and regulations.
12 (3) Development of written administrative procedures
13 and controls for the administration of each financial aid
14 program conducted by the office, maintenance of program
15 records and documents, timely collection and remittance of
16 insurance premiums, and timely assignment of defaulted loans
17 to collection agencies.
18 (4) Annual compilation of sources of financial aid
19 available to students in this state.
20 (5) Biennial analysis of the amount of available
21 financial aid moneys and the effect of such moneys on student
22 access to postsecondary institutions.
23 (6) Biennial internal evaluation of the administrative
24 efficiency and effectiveness of the office.
25 (7) Annual assessment of the accuracy of eligibility
26 information from a random sample of award recipients.
27 (8) Annual review of procedures for the distribution
28 of state financial aid funds.
29 (9) Development and submission of a report, annually,
30 to the State Board of Education, the President of the Senate,
31 and the Speaker of the House of Representatives, which shall

include, but not be limited to, recommendations for the distribution of state financial aid funds.

(10) Development and evaluation of a comprehensive, long-range program of all sources of student financial aid.

(11) Dissemination of information on available financial aid programs to district school superintendents and other persons who request such information.

(12) Calculation of the amount of need-based student financial aid required to offset fee increases recommended by the State Board of Education and inclusion of such amount within the legislative budget request for student assistance grant programs.

Section 474. Section 1009.91, Florida Statutes, is created to read:

1009.91 Assistance programs and activities of the department.--

(1) The department may contract for the administration of the student financial assistance programs as specifically provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

(2) The department may contract to provide the planning and development activities required pursuant to the provisions of this part.

(3) The department shall administer the guarantee of student loans made by participating commercial financial institutions in such a manner as to fully comply with applicable provisions of the Higher Education Act of 1965, as amended, relating to loan reinsurance.

(4) The department shall maintain records on the student loan default rate of each Florida postsecondary institution and report that information annually to both the institution and the State Board of Education.

Amendment No. ___ (for drafter's use only)

Section 475. Section 1009.92, Florida Statutes, is created to read:

1009.92 Funding for programs administered by the department.--

(1) In the preparation of its annual budget, the department shall request that the Legislature continue to provide funding for applicable programs from the General Revenue Fund.

(2) The department is authorized to expend moneys from available trust funds in applicable student financial assistance programs.

(3) There is created a Student Loan Guaranty Reserve Fund, which shall be administered by the department in carrying out the provisions of this act.

(4) The principal sources of operating funds shall be from the earnings from the temporary investment of the Student Loan Guaranty Reserve Fund and from compensation for services performed under contract for the administration of student financial assistance programs pursuant to s. 1009.91.

(5) The department is authorized to accept grant funds under the Leveraging Educational Assistance Program and Supplemental Leveraging Educational Assistance Program of the Federal Government, as provided by the Higher Education Act of 1965, as amended.

(6) The department is authorized to accept federal advances for the establishment of the Student Loan Guaranty Reserve Fund pursuant to the Higher Education Act of 1965, as amended, under agreement with the United States Commissioner of Education and to maintain such advances until recalled by the United States Commissioner of Education.

(7) The department is authorized to assess a student

loan insurance premium on each loan guaranteed by the department. The amount of insurance premium will be determined by the department in the amount sufficient to maintain the pledged level of reserve funds but in no event may the amount of the insurance premium exceed the maximum provided by federal law.

(8) The department shall invest, or contract for the temporary investment of, any unencumbered cash, and the interest earned therefrom, except as otherwise provided for by law or covenant, shall accrue to the Student Loan Guaranty Reserve Fund or for the administration of financial aid programs.

Section 476. Section 1009.93, Florida Statutes, is created to read:

1009.93 Student financial aid planning and development.--

(1) The department shall administer a student financial aid planning and development program. It is the intent of the Legislature that a specific sum of funds be allocated each year for the purpose of sponsoring the design, development, and implementation of a comprehensive program of student financial aid and of initiating activities of inservice training for student financial aid administrators and activities to encourage maximum lender participation in guaranteed loans.

(2) The objective of a state program is the maintenance of a state student financial aid program to supplement a basic national program which will provide equal access to postsecondary education to citizens of this state who have the ability and motivation to benefit from a postsecondary education. In the development of a state program

to achieve this objective, it shall be the policy that:

(a) State student financial aid be provided primarily on the basis of financial need;

(b) Students receiving need-based financial aid be expected to contribute toward their cost of education through self-help resources such as savings, work, and loans;

(c) Student financial aid be available to state residents for attendance at accredited public or private institutions of higher education in this state;

(d) Student financial aid be provided for all levels of postsecondary education; and

(e) State student financial aid be administered by a central state agency.

Planning and development must be in accordance with the foregoing objective and policies.

(3) The planning and development procedures shall provide for:

(a) The review of public policy;

(b) The development of performance objectives;

(c) The development of alternate approaches;

(d) The evaluation of performance; and

(e) The participation and involvement in the planning process of representatives of the groups affected by a state program of student financial aid.

(4) The State Board of Education shall adopt rules providing for the verification of the independent status of state financial aid recipients.

(5) The department shall encourage industry and education linkages through the development of temporary employment opportunities for students attending postsecondary

1 institutions in this state.
2 Section 477. Section 1009.94, Florida Statutes, is
3 created to read:
4 1009.94 Student financial assistance database.--
5 (1) The Department of Education shall design and
6 maintain a student financial assistance database that can be
7 used to support all aspects of the administration and delivery
8 of state-funded student financial aid. In addition, the
9 database must have the capability of providing policymakers
10 with comprehensive information regarding the various financial
11 assistance programs available to students attending Florida
12 postsecondary education institutions.
13 (2) For purposes of this section, financial assistance
14 includes:
15 (a) For all students, any scholarship, grant, loan,
16 fee waiver, tuition assistance payment, or other form of
17 compensation provided from state or federal funds.
18 (b) For students attending public institutions, any
19 scholarship, grant, loan, fee waiver, tuition assistance
20 payment, or other form of compensation supported by
21 institutional funds.
22 (3) The database must include records on any student
23 receiving any form of financial assistance as described in
24 subsection (2). Institutions participating in any state
25 financial assistance program shall annually submit such
26 information to the Department of Education in a format
27 prescribed by the department and consistent with the
28 provisions of s. 1002.22.
29 Section 478. Section 1009.95, Florida Statutes, is
30 created to read:
31 1009.95 Delinquent accounts.--

Amendment No. ___ (for drafter's use only)

(1) The Department of Education is directed to exert every lawful and reasonable effort to collect all delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

(2) The department may establish a recovery account into which unpaid and uncanceled scholarship loan note, student loan note, and defaulted guaranteed loan note accounts may be transferred.

(3) The department may settle any delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes and employ the service of a collection agent when deemed advisable in collecting delinquent or defaulted accounts. However, no collection agent may be paid a commission in excess of 35 percent of the amount collected. Any expense incurred by the department in enforcing the collection of a loan note may be borne by the signer of the note and may be added to the amount of the principal of such note.

(4) The department may charge off unpaid and uncanceled scholarship loan notes and student loan notes which are at least 3 years delinquent and which prove uncollectible after good faith collection efforts. However, a delinquent account with a past due balance of $25 or less may be charged off as uncollectible when it becomes 6 months past due and the cost of further collection effort or assignment to a collection agent would not be warranted.

(5) No individual borrower who has been determined to be in default in making legally required scholarship loan, student loan, or guaranteed loan repayments shall be furnished with his or her academic transcripts or other student records until such time as the loan is paid in full or the default

status has been removed.

(6) The department may charge an individual borrower who has been determined to be in default in making legally required loan repayments the maximum interest rate authorized by law.

(7) The State Board of Education shall adopt such rules as are necessary to regulate the collection, settlement, and charging off of delinquent unpaid and uncanceled scholarship loan notes, student loan notes, and defaulted guaranteed loan notes.

Section 479. Section 1009.96, Florida Statutes, is created to read:

1009.96 Annual review of financial assistance programs.--All new and existing financial assistance programs authorized under this chapter which are not funded for 3 consecutive years after enactment shall stand repealed. Financial assistance programs provided under this part on July 1, 1992, which lose funding for 3 consecutive years shall stand repealed. The Department of Education shall annually review the legislative appropriation for financial assistance programs to identify such programs.

Section 480. Part IV of chapter 1009, Florida Statutes, shall be entitled "Prepaid College Board Programs" and shall consist of ss. 1009.97-1009.984.

Section 481. Section 1009.97, Florida Statutes, is created to read:

1009.97 General provisions.--

(1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The Legislature recognizes that educational opportunity at the postsecondary level is a critical state interest and is best ensured through the provision of postsecondary institutions

that are geographically and financially accessible, that affordability and accessibility of higher education are essential to the welfare and well-being of the residents of the state and are a critical state interest, and that promoting and enhancing financial access to postsecondary institutions serve a legitimate public purpose.

(2) LEGISLATIVE INTENT.--It is the intent of the Legislature that a prepaid program be established through which many of the costs associated with postsecondary attendance may be paid in advance and fixed at a guaranteed level for the duration of undergraduate enrollment and that this program fosters timely financial planning for postsecondary attendance and to encourage employer participation in such planning through program contributions on behalf of employees and the dependents of employees. It is further the intent of the Legislature that a savings program be established as a supplement and alternative to the prepaid program to allow persons to make contributions to a trust account to meet some or all of the qualified higher education expenses of a designated beneficiary, consistent with federal law authorizing such programs, but without a guarantee by the state that such contributions, together with the investment return on such contributions, if any, will be adequate to pay for qualified higher education expenses, to enable participants to save for qualified higher education expenses, and to provide a choice to persons who determine that the overall educational needs of their families are best suited to a savings program or who wish to save to meet postsecondary educational needs beyond the traditional 4-year curriculum. Finally, the Legislature intends that the prepaid program and the savings program be conducted in a manner to maximize

program efficiency and effectiveness.

(3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the term:

(a) "Advance payment contract" means a contract entered into by the board and a purchaser pursuant to s. 1009.98.

(b) "Board" means the Florida Prepaid College Board.

(c) "Trust fund" means the Florida Prepaid College Trust Fund.

(d) "Prepaid program" means the Florida Prepaid College Program established pursuant to s. 1009.98.

(e) "Purchaser" means a person who makes or is obligated to make advance registration or dormitory residence payments in accordance with an advance payment contract.

(f) "Qualified beneficiary" means:

1. A resident of this state at the time a purchaser enters into an advance payment contract on behalf of the resident;

2. A nonresident who is the child of a noncustodial parent who is a resident of this state at the time that such parent enters into an advance payment contract on behalf of the child; or

3. For purposes of advance payment contracts entered into pursuant to s. 1009.983, a graduate of an accredited high school in this state who is a resident of this state at the time he or she is designated to receive the benefits of the advance payment contract.

(g) "Registration fee" means tuition fee, financial aid fee, building fee, and Capital Improvement Trust Fund fee.

(h) "State postsecondary institution" means any public community college or state university.

(i) "Benefactor" means any person making a deposit, payment, contribution, gift, or other expenditure into the savings program.

(j) "Designated beneficiary" means:

1. Any individual designated in the participation agreement;

2. Any individual defined in s. 152(a)(1)-(8) of the Internal Revenue Code; or

3. Any individual receiving a scholarship from interests in the program purchased by a state or local government or an organization described in s. 501(c)(3) of the Internal Revenue Code.

(k) "Eligible educational institution" means an institution of higher education that qualifies under s. 529 of the Internal Revenue Code as an eligible educational institution.

(l) "Internal Revenue Code" means the Internal Revenue Code of 1986, as defined in s. 220.03(1), and regulations adopted pursuant thereto.

(m) "Participation agreement" means an agreement between the board and a benefactor for participation in the savings program for a designated beneficiary.

(n) "Savings program" means the Florida College Savings Program established pursuant to s. 1009.981.

(o) "Qualified higher education expenses" means higher education expenses permitted under s. 529 of the Internal Revenue Code and required for the enrollment or attendance of a designated beneficiary at an eligible educational institution, including undergraduate and graduate schools, and any other higher education expenses that are permitted under s. 529 of the Internal Revenue Code.

(p) "Prepaid fund" means the fund within the trust fund into which moneys belonging to the prepaid program are deposited and held.

(q) "Savings fund" means the fund within the trust fund into which moneys belonging to the savings program are deposited and held.

Section 482. Section 1009.971, Florida Statutes, is created to read:

1009.971 Florida Prepaid College Board.--

(1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The Florida Prepaid College Board is hereby created as a body corporate with all the powers of a body corporate for the purposes delineated in this section. The board shall administer the prepaid program and the savings program, and shall perform essential governmental functions as provided in ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the State Constitution, the board shall be assigned to and administratively housed within the State Board of Administration, but it shall independently exercise the powers and duties specified in ss. 1009.97-1009.984.

(2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The board shall consist of seven members to be composed of the Attorney General, the Chief Financial Officer, the Deputy Commissioner of Colleges and Universities, the Deputy Commissioner of Community Colleges, and three members appointed by the Governor and subject to confirmation by the Senate. Each member appointed by the Governor shall possess knowledge, skill, and experience in the areas of accounting, actuary, risk management, or investment management. Each member of the board not appointed by the Governor may name a designee to serve on the board on behalf of the member;

however, any designee so named shall meet the qualifications required of gubernatorial appointees to the board. Members appointed by the Governor shall serve terms of 3 years. Any person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for only the unexpired term. Any member shall be eligible for reappointment and shall serve until a successor qualifies. Members of the board shall serve without compensation but shall be reimbursed for per diem and travel in accordance with s. 112.061. Each member of the board shall file a full and public disclosure of his or her financial interests pursuant to s. 8, Art. II of the State Constitution and corresponding statute.

(3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS; MEETINGS.--The board shall annually elect a board member to serve as chair and a board member to serve as vice chair and shall designate a secretary-treasurer who need not be a member of the board. The secretary-treasurer shall keep a record of the proceedings of the board and shall be the custodian of all printed material filed with or by the board and of its official seal. Notwithstanding the existence of vacancies on the board, a majority of the members shall constitute a quorum. The board shall take no official action in the absence of a quorum. The board shall meet, at a minimum, on a quarterly basis at the call of the chair.

(4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND DUTIES.--The board shall have the powers and duties necessary or proper to carry out the provisions of ss. 1009.97-1009.984, including, but not limited to, the power and duty to:

(a) Appoint an executive director to serve as the chief administrative and operational officer of the board and to perform other duties assigned to him or her by the board.

(b) Adopt an official seal and rules.

(c) Sue and be sued.

(d) Make and execute contracts and other necessary instruments.

(e) Establish agreements or other transactions with federal, state, and local agencies, including state universities and community colleges.

(f) Administer the trust fund in a manner that is sufficiently actuarially sound to defray the obligations of the prepaid program and the savings program, considering the separate purposes and objectives of each program. The board shall annually evaluate or cause to be evaluated the actuarial soundness of the prepaid fund. If the board perceives a need for additional assets in order to preserve actuarial soundness of the prepaid program, the board may adjust the terms of subsequent advance payment contracts to ensure such soundness.

(g) Invest funds not required for immediate disbursement.

(h) Appear in its own behalf before boards, commissions, or other governmental agencies.

(i) Hold, buy, and sell any instruments, obligations, securities, and property determined appropriate by the board.

(j) Require a reasonable length of state residence for qualified beneficiaries.

(k) Segregate contributions and payments to the trust fund into the appropriate fund.

(l) Procure and contract for goods and services, employ personnel, and engage the services of private consultants, actuaries, managers, legal counsel, and auditors in a manner determined to be necessary and appropriate by the board.

(m) Solicit and accept gifts, grants, loans, and other aids from any source or participate in any other way in any government program to carry out the purposes of ss. 1009.97-1009.984.

(n) Require and collect administrative fees and charges in connection with any transaction and impose reasonable penalties, including default, for delinquent payments or for entering into an advance payment contract or a participation agreement on a fraudulent basis.

(o) Procure insurance against any loss in connection with the property, assets, and activities of the trust fund or the board.

(p) Impose reasonable time limits on use of the benefits provided by the prepaid program or savings program. However, any such limitations shall be specified within the advance payment contract or the participation agreement, respectively.

(q) Delineate the terms and conditions under which payments may be withdrawn from the trust fund and impose reasonable fees and charges for such withdrawal. Such terms and conditions shall be specified within the advance payment contract or the participation agreement.

(r) Provide for the receipt of contributions in lump sums or installment payments.

(s) Require that purchasers of advance payment contracts or benefactors of participation agreements verify, under oath, any requests for contract conversions, substitutions, transfers, cancellations, refund requests, or contract changes of any nature. Verification shall be accomplished as authorized and provided for in s. 92.525(1)(a).

(t) Delegate responsibility for administration of one or both of the comprehensive investment plans required in s. 1009.973 to persons the board determines to be qualified. Such persons shall be compensated by the board.

(u) Endorse insurance coverage written exclusively for the purpose of protecting advance payment contracts, and participation agreements, and the purchasers, benefactors, and beneficiaries thereof, including group life policies and group disability policies, which are exempt from the provisions of part V of chapter 627.

(v) Form strategic alliances with public and private entities to provide benefits to the prepaid program, savings program, and participants of either or both programs.

(w) Solicit proposals and contract, pursuant to s. 287.057, for the marketing of the prepaid program or the savings program, or both together. Any materials produced for the purpose of marketing the prepaid program or the savings program shall be submitted to the board for review. No such materials shall be made available to the public before the materials are approved by the board. Any educational institution may distribute marketing materials produced for the prepaid program or the savings program; however, all such materials shall be approved by the board prior to distribution. Neither the state nor the board shall be liable for misrepresentation of the prepaid program or the savings program by a marketing agent.

(x) Establish other policies, procedures, and criteria to implement and administer the provisions of ss. 1009.97-1009.984.

(y) Adopt procedures to govern contract dispute proceedings between the board and its vendors.

(5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL SERVICES.--The board shall solicit proposals and contract, pursuant to s. 287.057, for:

(a) The services of records administrators.

(b) Investment consultants to review the performance of the board's investment managers and advise the board on investment management and performance and investment policy, including the contents of the comprehensive investment plans.

(c) Trustee services firms to provide trustee and related services to the board. The trustee services firm shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent selection or supervision of investment programs by such firm.

(d) Investment managers to provide investment portfolios for the prepaid program or the savings program. Investment managers shall be limited to authorized insurers as defined in s. 624.09, banks as defined in s. 658.12, associations as defined in s. 665.012, authorized Securities and Exchange Commission investment advisers, and investment companies as defined in the Investment Company Act of 1940. All investment managers shall have their principal place of business and corporate charter located and registered in the United States. In addition, each investment manager shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board as a result of imprudent investing by such provider. Each authorized insurer shall evidence superior performance overall on an acceptable level of surety in meeting its obligations to its policyholders and other contractual obligations. Only qualified public depositories

1 approved by the Insurance Commissioner and Treasurer shall be
2 eligible for board consideration. Each investment company
3 shall provide investment plans as specified within the request
4 for proposals.
5
6 The goals of the board in procuring such services shall be to
7 provide all purchasers and benefactors with the most secure,
8 well-diversified, and beneficially administered prepaid
9 program or savings program possible, to allow all qualified
10 firms interested in providing such services equal
11 consideration, and to provide such services to the state at no
12 cost and to the purchasers and benefactors at the lowest cost
13 possible. Evaluations of proposals submitted pursuant to this
14 subsection shall include, but not be limited to, fees and
15 other costs that are charged to purchasers or benefactors that
16 affect account values, or that impact the operational costs of
17 the prepaid program or the savings program; past experience
18 and past performance in providing the required services;
19 financial history and current financial strength and capital
20 adequacy to provide the required services; and capabilities
21 and experience of the proposed personnel that will provide the
22 required services.
23 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
24 any other provision of ss. 1009.97-1009.984, the board may
25 adopt rules necessary for the prepaid program and the savings
26 program each to retain its status as a "qualified tuition
27 program" in order to maintain its tax exempt status or other
28 similar status of the program, purchasers, and qualified
29 beneficiaries under the Internal Revenue Code. The board shall
30 inform participants in the prepaid program and the savings
31 program of changes to the tax or securities status of advance

purchase contracts and participation agreements.

Section 483. Section 1009.972, Florida Statutes, is created to read:

1009.972 Florida Prepaid College Trust Fund.--

(1) There is created within the State Board of Administration the Florida Prepaid College Trust Fund. The trust fund shall be segregated into two separate funds, the prepaid fund and the savings fund.

(2) The prepaid fund shall consist of state appropriations, moneys acquired from other governmental or private sources for the prepaid program, and moneys remitted in accordance with advance payment contracts. Dividends, interest, and gains accruing to the prepaid fund shall increase the total funds available for the prepaid program. If dividends, interest, and gains for the prepaid fund exceed the amount necessary for program administration and disbursements, the board may designate an additional percentage of the prepaid fund to serve as a contingency fund.

(3) The savings fund shall consist of appropriations, moneys acquired from other governmental or private sources for the savings program, and moneys remitted in accordance with participation agreements. The amounts on deposit in the savings fund shall remain therein and shall be available solely for carrying out the purposes of the savings program.

(4) Any balance contained within the trust fund, and within each fund in the trust fund, at the end of a fiscal year shall remain therein and shall be available for carrying out the purposes of each respective program and the direct-support organization established pursuant to s. 1009.983. Moneys contained within the trust fund shall be exempt from the investment requirements of s. 18.10. All funds

deposited in the prepaid fund may be invested pursuant to s. 215.47. Any funds of a direct-support organization created pursuant to s. 1009.983 shall be exempt from the provisions of this section.

(5) Notwithstanding the provisions of chapter 717, funds associated with terminated advance payment contracts pursuant to s. 1009.98(4)(k) and canceled contracts for which no refunds have been claimed shall be retained by the board. The board shall establish procedures for notifying purchasers who subsequently cancel their advance payment contracts of any unclaimed refund and shall establish a time period after which no refund may be claimed by a purchaser who canceled a contract. The board may transfer funds retained from such terminated advance payment contracts and cancelled contracts to the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youth that remain drug free and crime free.

(6) The assets of the prepaid fund and the savings fund shall be maintained, invested, and expended solely for the purposes of the prepaid program and the savings program, respectively, and shall not be loaned, transferred, or otherwise used by the state for any purpose other than the purposes of ss. 1009.97-1009.984. This subsection shall not be construed to prohibit the board from investing in, by purchase or otherwise, bonds, notes, or other obligations of the state or an agency or instrumentality of the state. Unless otherwise specified by the board, assets of the prepaid fund and the savings fund shall be expended in the following order of priority:

(a) To make payments to state postsecondary

institutions on behalf of qualified beneficiaries or designated beneficiaries.

(b) To make refunds upon termination of advance payment contracts or participation agreements.

(c) To pay the costs of administration and operations for the prepaid program and the savings program.

Section 484. Section 1009.973, Florida Statutes, is created to read:

1009.973 Comprehensive investment plans.--The Florida Prepaid College Board shall establish separate comprehensive investment plans for the prepaid program and for the savings program, each subject to the approval of the State Board of Administration. Each comprehensive investment plan shall specify the investment policies to be utilized by the board in its administration of each respective program. The board may place assets of each program in investment products pursuant to the comprehensive investment plan for each respective program and in such proportions as may be designated or approved under the plan for each respective program. Such products shall be underwritten and offered in compliance with the applicable federal and state laws, regulations, and rules by persons authorized by applicable federal and state authorities. A purchaser may not direct the investment of his or her contribution to the prepaid program. A benefactor or designated beneficiary may not direct the investment of any contributions to the savings program other than the specific fund options provided by the board, if any. Board members and employees of the board are not prohibited from purchasing advance payment contracts or entering into participation agreements by virtue of their fiduciary responsibilities as members of the board or official duties as employees of the

board.

Section 485. Section 1009.974, Florida Statutes, is created to read:

1009.974 Exemption from claims of creditors.--Moneys paid into or out of the trust fund by or on behalf of a purchaser or qualified beneficiary of an advance payment contract or benefactor or designated beneficiary of a participation agreement are exempt, as provided by s. 222.22, from all claims of creditors of the purchaser or the qualified beneficiary of an advance payment contract or the benefactor or designated beneficiary of a participation agreement, respectively, provided that the advance payment contract or participation agreement has not been terminated. Neither moneys paid into the prepaid program or savings program nor benefits accrued through the prepaid program or savings program may be pledged for the purpose of securing a loan.

Section 486. Section 1009.975, Florida Statutes, is created to read:

1009.975 Payroll deduction authority.--The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts or participation agreements through payroll deductions made by the appropriate officer or officers of the state, state agency, county, municipality, or political subdivision. Such payments shall be held and administered in accordance with ss. 1009.97-1009.984.

Section 487. Section 1009.976, Florida Statutes, is created to read:

1009.976 Annual report.--On or before March 31 of each year, the Florida Prepaid College Board shall prepare or cause

to be prepared separate reports setting forth in appropriate detail an accounting of the prepaid program and the savings program which include a description of the financial condition of each respective program at the close of the fiscal year. The board shall submit copies of the reports to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the House and Senate and shall make the report for the prepaid program available to each purchaser and the report for the savings program available to each benefactor and designated beneficiary. The accounts of the fund for the prepaid program and the savings program shall be subject to annual audits by the Auditor General.

Section 488. Section 1009.98, Florida Statutes, is created to read:

1009.98 Florida Prepaid College Program.--

(1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There is created a Florida Prepaid College Program to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution at a rate lower than the projected corresponding cost at the time of actual enrollment. Such payments shall be combined and invested in a manner that yields, at a minimum, sufficient interest to generate the difference between the prepaid amount and the cost of registration and dormitory residence at the time of actual enrollment. Students who enroll in a state postsecondary institution pursuant to this section shall be charged no fees in excess of the terms delineated in the advance payment contract.

(2) PREPAID COLLEGE PLANS.--At a minimum, the board

shall make advance payment contracts available for two independent plans to be known as the community college plan and the university plan. The board may also make advance payment contracts available for a dormitory residence plan. The board may restrict the number of participants in the community college plan, university plan, and dormitory residence plan, respectively. However, any person denied participation solely on the basis of such restriction shall be granted priority for participation during the succeeding year.

(a)1. Through the community college plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of an associate degree. Qualified beneficiaries shall bear the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes, pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.23, not to exceed the average number of hours required for the conference of an associate degree, in conjunction with advance payment contracts for registration fees. Community college plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

(b)1. Through the university plan, the advance payment contract shall provide prepaid registration fees for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree. Qualified beneficiaries shall bear

the cost of any laboratory fees associated with enrollment in specific courses. Each qualified beneficiary shall be classified as a resident for tuition purposes pursuant to s. 1009.21, regardless of his or her actual legal residence.

2. Effective July 1, 1998, the board may provide advance payment contracts for additional fees delineated in s. 1009.24(8)-(11), for a specified number of undergraduate semester credit hours not to exceed the average number of hours required for the conference of a baccalaureate degree, in conjunction with advance payment contracts for registration fees. Such contracts shall provide prepaid coverage for the sum of such fees, to a maximum of 45 percent of the cost of registration fees. University plan contracts purchased prior to July 1, 1998, shall be limited to the payment of registration fees as defined in s. 1009.97.

(c) The cost of participation in contracts authorized under paragraph (a) or paragraph (b) shall be based primarily on the current and projected registration fees within the Florida Community College System or the State University System, respectively, and the number of years expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary.

(d) Through the dormitory residence plan, the advance payment contract may provide prepaid housing fees for a maximum of 10 semesters of full-time undergraduate enrollment in a state university. Dormitory residence plans shall be purchased in increments of 2 semesters. The cost of participation in the dormitory residence plan shall be based primarily on the average current and projected housing fees within the State University System and the number of years

expected to elapse between the purchase of the plan on behalf of a qualified beneficiary and the exercise of the benefits provided in the plan by such beneficiary. Qualified beneficiaries shall have the highest priority in the assignment of housing within university residence halls. Qualified beneficiaries shall bear the cost of any additional elective charges such as laundry service or long-distance telephone service. Each state university may specify the residence halls or other university-held residences eligible for inclusion in the plan. In addition, any state university may request immediate termination of a dormitory residence contract based on a violation or multiple violations of rules of the residence hall or other university-held residences. In the event that sufficient housing is not available for all qualified beneficiaries, the board shall refund the purchaser or qualified beneficiary an amount equal to the fees charged for dormitory residence during that semester. If a qualified beneficiary fails to be admitted to a state university or chooses to attend a community college that operates one or more dormitories or residency opportunities, or has one or more dormitories or residency opportunities operated by the community college direct-support organization, the qualified beneficiary may transfer or cause to have transferred to the community college, or community college direct-support organization, the fees associated with dormitory residence. Dormitory fees transferred to the community college or community college direct-support organization may not exceed the maximum fees charged for state university dormitory residence for the purposes of this section, or the fees charged for community college or community college direct-support organization dormitories or residency

opportunities, whichever is less.

(3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A qualified beneficiary may apply the benefits of an advance payment contract toward:

(a) An independent college or university that is located and chartered in Florida, that is not for profit, that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and that confers degrees as defined in s. 1005.02.

(b) An out-of-state college or university that is not for profit and is accredited by a regional accrediting association, and that confers degrees.

(c) An applied technology diploma program or technical certificate program conducted by a community college listed in s. 1004.02(2) or technical center operated by a district school board.

The board shall transfer or cause to be transferred to the institution designated by the qualified beneficiary an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution. If the cost of registration or housing fees at such institution is less than the corresponding fees at a state postsecondary institution, the amount transferred may not exceed the actual cost of registration and housing fees. A transfer authorized under this subsection may not exceed the number of semester credit hours or semesters of dormitory residence contracted on behalf of a qualified beneficiary. Notwithstanding any other provision in this section, an institution must be an "eligible

educational institution" under s. 529 of the Internal Revenue Code to be eligible for the transfer of advance payment contract benefits.

(4) ADVANCE PAYMENT CONTRACTS.--The board shall develop advance payment contracts for registration and may develop advance payment contracts for dormitory residence as provided in this section. Advance payment contracts shall be exempt from chapter 517 and the Florida Insurance Code. Such contracts shall include, but not be limited to, the following:

(a) The amount of the payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary.

(b) The terms and conditions under which purchasers shall remit payments, including, but not limited to, the date or dates upon which each payment shall be due.

(c) Provisions for late payment charges and for default.

(d) Provisions for penalty fees for withdrawals from the fund.

(e) Except for an advance payment contract entered into pursuant to subsection (9) or s. 1009.983, the name and date of birth of the qualified beneficiary on whose behalf the contract is drawn and the terms and conditions under which another person may be substituted as the qualified beneficiary.

(f) The name of any person who may terminate the contract. The terms of the contract shall specify whether the contract may be terminated by the purchaser, the qualified beneficiary, a specific designated person, or any combination of these persons.

(g) The terms and conditions under which a contract

may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the contract pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

(h) The number of semester credit hours or semesters of dormitory residence contracted by the purchaser.

(i) The state postsecondary system toward which the contracted credit hours or semesters of dormitory residence will be applied.

(j) The assumption of a contractual obligation by the board to the qualified beneficiary to provide for a specified number of semester credit hours of undergraduate instruction at a state postsecondary institution, not to exceed the average number of credit hours required for the conference of the degree that corresponds to the plan purchased on behalf of the qualified beneficiary or to provide for a specified number of semesters of dormitory residence, not to exceed the number of semesters of full-time enrollment required for the conference of a baccalaureate degree.

(k) The period of time after which advance payment contracts that have not been terminated or the benefits used shall be considered terminated. Time expended by a qualified beneficiary as an active duty member of any of the armed services of the United States shall be added to the period of time specified by the board. No purchaser or qualified beneficiary whose advance payment contract is terminated pursuant to this paragraph shall be entitled to a refund. Notwithstanding chapter 717, the board shall retain any moneys paid by the purchaser for an advance payment contract that has been terminated in accordance with this paragraph. Such moneys may be transferred to the Florida Prepaid Tuition Scholarship

Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths that remain drug free and crime free.

(l) Other terms and conditions deemed by the board to be necessary or proper.

(5) REFUNDS.--

(a) No refund shall exceed the amount paid into the fund by the purchaser except as provided in paragraphs (b) and (c).

(b) If the beneficiary is awarded a scholarship, the terms of which cover the benefits included in the advance payment contracts, moneys paid for the purchase of the advance payment contracts shall be refunded to the purchaser in semester installments coinciding with the tuition by the beneficiary in an amount which, in total, does not exceed the redemption value of the advance payment contract at a state postsecondary institution.

(c) In the event of the death or total disability of the beneficiary, moneys paid for the purchase of advance payment contracts shall be refunded to the purchaser in an amount not to exceed the redemption value of the advance payment contract at a state postsecondary institution.

(d) If an advance payment contract is converted from one registration plan to a plan of lesser value, the amount refunded shall not exceed the difference between the amount paid for the original contract and the amount that would have been paid for the contract to which the plan is converted had the converted plan been purchased under the same payment plan at the time the original advance payment contract was executed.

(e) No refund shall be authorized through an advance

payment contract for any school year partially attended but not completed. For purposes of this section, a school year partially attended but not completed shall mean any one semester whereby the student is still enrolled at the conclusion of the official drop-add period, but withdraws before the end of such semester. If a beneficiary does not complete a community college plan or university plan for reasons other than specified in paragraph (c), the purchaser shall receive a refund of the amount paid into the fund for the remaining unattended years of the advance payment contract pursuant to rules promulgated by the board.

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.--Information that identifies the purchasers or beneficiaries of any plan promulgated under this section and their advance payment account activities is exempt from the provisions of s. 119.07(1). However, the board may authorize the program's records administrator to release such information to a community college, college, or university in which a beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain such information as exempt from the provisions of s. 119.07(1).

(7) OBLIGATIONS OF BOARD.--The state shall agree to meet the obligations of the board to qualified beneficiaries if moneys in the fund fail to offset the obligations of the board. The Legislature shall appropriate to the Florida Prepaid College Trust Fund the amount necessary to meet the obligations of the board to qualified beneficiaries.

(8) PROGRAM TERMINATION.--In the event that the state determines the prepaid program to be financially infeasible, the state may discontinue the provision of the program. Any qualified beneficiary who has been accepted by and is enrolled

or is within 5 years of enrollment in an eligible independent college or university or state postsecondary institution shall be entitled to exercise the complete benefits for which he or she has contracted. All other contract holders shall receive a refund of the amount paid in and an additional amount in the nature of interest at a rate that corresponds, at a minimum, to the prevailing interest rates for savings accounts provided by banks and savings and loan associations.

(9) SCHOLARSHIPS.--A nonprofit organization described in s. 501(c)(3) of the United States Internal Revenue Code and exempt from taxation under s. 501(a) of the United States Internal Revenue Code may purchase advance payment contracts for a scholarship program that has been approved by the board and is operated by the purchasing organization.

Section 489. Section 1009.981, Florida Statutes, is created to read:

1009.981 Florida College Savings Program.--

(1)(a) The Florida Prepaid College Board is authorized to create, establish, and administer the Florida College Savings Program to promote and enhance the affordability of higher education in the state and to enable persons to contribute funds that are combined and invested to pay the subsequent higher education expenses of a designated beneficiary. The board may not implement the savings program until it has obtained:

1. A written opinion from counsel specializing in federal tax matters indicating that the savings program constitutes a qualified tuition program under s. 529 of the Internal Revenue Code;

2. A written opinion from a qualified member of the United States Patent Bar indicating that the implementation of

the savings program or the operation of the savings program will not knowingly infringe upon any patent or copyright specifically related to the financing of higher education expenses;

3. A written opinion of qualified counsel specializing in federal securities law that the savings program and the offering of participation in the savings program does not violate federal securities law; and

4. A written opinion from the board's litigation counsel indicating that the implementation or operation of the savings program will not adversely impact any pending litigation against the board.

(b) The benefactor retains ownership of all amounts on deposit in his or her account with the savings program up to the date of distribution on behalf of a designated beneficiary. Earnings derived from investment of the contributions shall be considered to be held in trust in the same manner as contributions, except as applied for purposes of the designated beneficiary and for purposes of maintaining and administering the program as provided in this section.

(c) All amounts attributable to penalties shall be used for purposes of the savings program or as required by the Internal Revenue Code, and other amounts received other than contributions shall be properties of the savings program. Proceeds from penalties shall remain with the program and may be used for any costs or purposes of the savings program or used as required by the Internal Revenue Code.

(d) Deposits and contributions to the program, the property of the board, and the earnings on the college savings accounts are exempt from taxation.

(e) The assets of the savings program shall be

continuously invested and reinvested in a manner consistent with the purposes of the program, expended on expenses incurred by the operation and management of the savings program, or refunded to the benefactor or designated beneficiary under the conditions provided in the participation agreement. The board is not required to invest directly in obligations of the state or any political subdivision of the state or in any investment or other fund administered by the state.

(2) PARTICIPATION AGREEMENTS.--

(a) The board may establish plans to permit benefactors to prepay the qualified higher education expenses associated with enrollment in an eligible educational institution and may permit benefactors to select from among alternative investment plans designed to provide funds to pay qualified education expenses of a designated beneficiary. The board shall not accept contributions in excess of the amount allowed pursuant to s. 529 of the Internal Revenue Code and shall prescribe by rule the methodology and information sources that shall be used to determine the projected costs of qualified higher education expenses for designated beneficiaries of prescribed ages.

(b) The board shall develop a participation agreement which shall be the agreement between the board and each benefactor, which may include, but is not limited to:

1. The name, date of birth, and social security number of the designated beneficiary.

2. The amount of the contribution or contributions and number of contributions required from a benefactor on behalf of a designated beneficiary.

3. The terms and conditions under which benefactors

shall remit contributions, including, but not limited to, the date or dates upon which each contribution is due. Deposits to the savings program by benefactors may only be in cash. Benefactors may contribute in a lump sum, periodically, in installments, or through electronic funds transfer or employer payroll deductions.

4. Provisions for late contribution charges and for default.

5. Provisions for penalty fees for withdrawals from the program.

6. The name of the person who may terminate participation in the program. The participation agreement must specify whether the account may be terminated by the benefactor, the designated beneficiary, a specific designated person, or any combination of these persons.

7. The terms and conditions under which an account may be terminated, modified, or converted, the name of the person entitled to any refund due as a result of termination of the account pursuant to such terms and conditions, and the amount of refund, if any, due to the person so named.

8. Penalties for distributions not used or made in accordance with s. 529 of the Internal Revenue Code.

9. Any charges or fees in connection with the administration of the savings fund.

10. The period of time after which each participation agreement shall be considered to be terminated. Time expended by a designated beneficiary as an active duty member of any of the armed services of the United States shall be added to the period specified pursuant to this subparagraph. Should a participation agreement be terminated, the balance of the account, after notice to the benefactor, shall be declared

unclaimed and abandoned property. The board shall retain any monies paid by the benefactor for a participation agreement that has been terminated in accordance with this subparagraph. Such moneys may be transferred to the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths that remain drug free and crime free.

11. Other terms and conditions deemed by the board to be necessary or proper.

(c) The participation agreement shall clearly state that:

1. The contract is only a debt or obligation of the savings program and the savings fund, and is not otherwise a debt or obligation of the state.

2. Participation in the program does not guarantee that sufficient funds will be available to cover all qualified higher education expenses for any designated beneficiary and does not guarantee admission to or continued enrollment at an eligible educational institution of any designated beneficiary.

(d) The participation agreement may be freely amended throughout its term for purposes including, but not limited to, allowing to enable the benefactor to increase or decrease the level of participation, change designated beneficiaries, and carry out similar matters permitted by this section and the Internal Revenue Code.

(3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION EXPENSES.--The board shall establish requirements and procedures for beneficiaries to realize the benefits of participation agreements. In establishing such requirements and procedures, the board shall make distributions in as

efficient and expeditious manner as is prudent and possible, consistent with the Internal Revenue Code.

(4) REFUNDS.--

(a) A benefactor may request a refund of the principal amount of his or her contributions, plus actual investment earnings or minus actual investment losses on the contributions, less any applicable penalty, and less any amounts used to provide benefits to the designated beneficiary.

(b) Notwithstanding paragraph (a), a penalty may not be levied if a benefactor requests a refund from the program due to:

1. Death of the beneficiary.

2. Total disability of the beneficiary.

3. Scholarship, allowance, or payment received by the beneficiary to the extent that the amount of the refund does not exceed the amount of the scholarship, allowance, or payment in accordance with federal law.

(c) If a benefactor requests a refund of funds contributed to the program for any cause other than those listed in paragraph (b), there shall be imposed a penalty of 10 percent of the earnings of the account and any applicable taxes, or the amount required by the Internal Revenue Code. Earnings shall be calculated as the total value of the participation agreement, less the aggregate contributions, or in the manner prescribed in the Internal Revenue Code.

(5) MATERIAL MISREPRESENTATION; PENALTY.--If the benefactor or the designated beneficiary makes any material misrepresentation in the application for a participation agreement or in any communication with the board regarding the program, especially regarding the withdrawal or distribution

of funds therefrom, the account may be involuntarily liquidated by the board. If the account is so liquidated, the benefactor is entitled to a refund, subject to a 10-percent penalty or the amount required by the Internal Revenue Code.

(6) CONFIDENTIALITY OF ACCOUNT INFORMATION.--Information that identifies the benefactors or the designated beneficiary of any account initiated under this section and information regarding individual account activities conducted through the savings program established in this section are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, the board may authorize the release of such information to a community college, college, or university in which a designated beneficiary may enroll or is enrolled. Community colleges, colleges, and universities shall maintain the confidentiality of such information. This subsection is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed on October 2, 2005, unless reviewed and saved from repeal through reenactment by the Legislature.

(7) OBLIGATIONS OF BOARD.--Any contract or participation agreement entered into by or any obligation of the board on behalf of and for the benefit of the savings program does not constitute a debt or obligation of the state but is an obligation of the savings program. The state has no obligation to any designated beneficiary or any other person as a result of the savings program. The obligation of the savings program is limited solely to those amounts deposited in the savings fund. All amounts obligated to be paid from the savings fund are limited to amounts available for such obligation. The amounts on deposit in the savings program may

only be disbursed in accordance with the provisions of this section.

(8) PROGRAM TERMINATION.--The savings program shall continue in existence until its existence is terminated by law. If the state determines that the savings program is financially infeasible, the state may discontinue the savings program. Upon termination of the savings program, all deposits shall be returned to benefactors, to the extent possible, and any unclaimed assets in the savings program may be transferred to the Florida Prepaid Tuition Scholarship Program to provide matching funds for prepaid tuition scholarships for economically disadvantaged youths that remain drug free and crime free.

(9) STATE PLEDGE.--The state pledges to benefactors and designated beneficiaries of the savings program that the state will not limit or alter the rights under this section which are vested in the program until such obligations are met and discharged. However, this subsection does not preclude such limitation if adequate provision is made by law for the protection of the benefactors and designated beneficiaries pursuant to the obligations of the board, and, if the state or the board determines that the savings program is not financially feasible, the state or the board may discontinue the program. If the program is discontinued, the board shall refund to benefactors their contributions to the program, plus any investment earnings or minus any investment losses. The board, on behalf of the state, may include this pledge and undertaking by the state in participation agreements.

Section 490. Section 1009.982, Florida Statutes, is created to read:

1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984

shall be construed as a promise or guarantee that a qualified beneficiary or a designated beneficiary will be admitted to a state postsecondary institution or to a particular state postsecondary institution, will be allowed to continue enrollment at a state postsecondary institution after admission, or will be graduated from a state postsecondary institution.

Section 491. Section 1009.983, Florida Statutes, is created to read:

1009.983 Direct-support organization; authority.--

(1) The Florida Prepaid College Board may establish a direct-support organization which is:

(a) A Florida corporation, not for profit, incorporated under the provisions of chapter 617 and approved by the Secretary of State.

(b) Organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of the board.

(c) An organization which the board, after review, has certified to be operating in a manner consistent with the goals of the board and in the best interests of the state. Unless so certified, the organization may not use the name of the prepaid program or savings program.

(2) The direct-support organization shall operate under written contract with the board. The contract must provide for:

(a) Approval of the articles of incorporation and bylaws of the direct-support organization by the board.

(b) Submission of an annual budget for the approval of the board. The budget must comply with rules adopted by the board.

(c) Certification by the board that the direct-support organization is complying with the terms of the contract and in a manner consistent with the goals and purposes of the board and in the best interest of the state. Such certification must be made annually and reported in the official minutes of a meeting of the board.

(d) The reversion to the board, or to the state if the board ceases to exist, of moneys and property held in trust by the direct-support organization for the benefit of the board or prepaid program if the direct-support organization is no longer approved to operate for the board or if the board ceases to exist.

(e) The fiscal year of the direct-support organization, which must begin July 1 of each year and end June 30 of the following year.

(f) The disclosure of material provisions of the contract and of the distinction between the board and the direct-support organization to donors of gifts, contributions, or bequests, and such disclosure on all promotional and fundraising publications.

(3) The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981. The board and Auditor General may require and receive from the organization or its independent auditor any detail or supplemental data relative to the operation of the organization.

(4) The identity of donors who desire to remain anonymous shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and such anonymity shall be maintained in the auditor's report. Information received by the organization

that is otherwise confidential or exempt by law shall retain such status. Any sensitive, personal information regarding contract beneficiaries, including their identities, is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(5) The chair and the executive director of the board shall be directors of the direct-support organization and shall jointly name, at a minimum, three other individuals to serve as directors of the organization.

(6) The board may authorize the direct-support organization established in this section to use board property, except money, and use facilities and personal services subject to the provisions of this section. If the direct-support organization does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, it may not use the property, facilities, or personal services of the board. For the purposes of this section, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing as prescribed by rule of the board. The board shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which such a direct-support organization must comply to use property, facilities, or personal services of the board.

(7) The board may invest funds of the direct-support organization which have been allocated for the purchase of advance payment contracts for scholarships with receipts for advance payment contracts.

Section 492. Section 1009.984, Florida Statutes, is created to read:

1009.984 Florida Prepaid Tuition Scholarship

Program.--The Florida Prepaid Tuition Scholarship Program is established to provide economically disadvantaged youth with prepaid postsecondary tuition scholarships. The direct-support organization established pursuant to s. 1009.983 shall administer the program with the assistance and cooperation of the Department of Education to:

(1) Provide an incentive for economically disadvantaged youth to improve school attendance and academic performance in order to graduate and pursue a postsecondary education.

(2) Obtain the commitment and involvement of private sector entities by virtue of funding matches with a ratio of 50 percent provided by the private sector and 50 percent provided by the state.

(3) Purchase prepaid tuition scholarships for students certified by the Department of Education to the direct-support organization who meet minimum economic and school requirements and remain drug free and crime free.

(a) For the purpose of this subsection, "drug free" means not being convicted of, or adjudicated delinquent for, any violation of chapter 893 after being designated a recipient of a Florida prepaid tuition scholarship.

(b) For the purpose of this subsection, "crime free" means not being convicted of, or adjudicated delinquent for, any felony or first degree misdemeanor as defined in ss. 775.08 and 775.081 after being designated a recipient of a Florida prepaid tuition scholarship.

Section 493. Part V of chapter 1009, Florida Statutes, shall be entitled "Florida Higher Education Loan Authority" and shall consist of ss. 1009.99-1009.9994.

Section 494. Section 1009.99, Florida Statutes, is

created to read:

1009.99 Short title.--Sections 1009.99-1009.9994 may be cited as the "Florida Higher Education Loan Authority Act."

Section 495. Section 1009.991, Florida Statutes, is created to read:

1009.991 Purpose.--It is the purpose of this act to provide assistance and an additional method of financing the cost of higher education to students and the families of students attending institutions of higher education in this state and to encourage investment of private capital to provide funds for financing student loans.

Section 496. Section 1009.992, Florida Statutes, is created to read:

1009.992 Definitions.--As used in this act:

(1) "Authority" means any public corporation created by s. 1009.993 or any board, body, commission, department, or officer of the county succeeding to the principal functions thereof or to whom the powers conferred upon an authority by this act are given by this act.

(2) "Authority loan" means any loan by an authority to an institution of higher education for the purpose of funding education loans.

(3) "Bond" or "revenue bond" means any revenue bond of an authority issued under the provisions of this act, including any revenue-refunding bond, notwithstanding that the bond may be secured by mortgage or the full faith and credit of a participating institution of higher education or any other lawfully pledged security of a participating institution of higher education.

(4) "Bond resolution" means the resolution of an authority and the trust agreement, if any, and any supplement

or amendment to the foregoing, authorizing the issuance of, and providing for the terms and conditions applicable to, obligations.

(5) "Bond service charge" means the principal (including mandatory sinking fund requirements for retirement of obligations) and interest, and redemption premium, if any, required to be paid by an authority on obligations.

(6) "Borrower" means any student who has received an education loan or any parent who has received or agreed to pay an education loan.

(7) "Clerk" means the clerk of a commission or the county officer charged with the duties customarily imposed upon the clerk.

(8) "Commission" means a board of county commissioners or other body charged with governing the county.

(9) "Default insurance" means insurance insuring education loans, authority loans, or obligations against default.

(10) "Default reserve fund" means a fund established pursuant to a bond resolution for the purpose of securing education loans, authority loans, or obligations.

(11) "Education loan" means a loan which is made by an institution to a student or the parents of a student, or both, in an amount not in excess of the maximum amount specified in regulations to be formulated by the authority, in order to finance all or any part of the cost of the student's attendance at such institution.

(12) "Education loan series portfolio" means all educational loans made by a specific institution which are funded from the proceeds of an authority loan to such institution out of the proceeds of a related specific issue of

obligations through the authority.

(13) "Institution" means any college or university which, by virtue of law or charter, is accredited by and holds membership in the Commission on Recognition of Postsecondary Accreditation; which grants baccalaureate or associate degrees; which is not a pervasively sectarian institution; and which does not discriminate in the admission of students on the basis of race, color, religion, sex, or creed.

(14) "Loan funding deposit" means moneys or other property which is deposited by an institution with the authority or a trustee for the purpose of:

(a) Providing security for obligations;

(b) Funding a default reserve fund;

(c) Acquiring default insurance; or

(d) Defraying costs of the authority, and

which shall be in such amounts as are deemed necessary by the authority as a condition for participation by such institution in the program of the authority.

(15) "Obligation" means any revenue bond, note, or other evidence of indebtedness of an authority, including any interest coupon pertaining thereto, issued under this act, including any refunding bond.

(16) "Parent" means any parent or guardian of a student at an institution.

(17) "Participating institution" means an institution of higher education which, pursuant to the provisions of this act, undertakes the financing of an educational student loan program or undertakes the refunding or refinancing of obligations, a mortgage, or advances as provided in and permitted by this act.

(18) "Person" means any person, firm, partnership, association, corporation, or other body, public or private.

Section 497. Section 1009.993, Florida Statutes, is created to read:

1009.993 Authority; creation, membership, terms of members, expenses.--

(1) In each county there is created a public body corporate and politic to be known as the ".... County Education Loan Authority." Each such authority is constituted as a public instrumentality, and its exercise of the powers conferred by this act shall be deemed the performance of an essential public function. No authority shall transact any business or exercise any power pursuant to this act until the commission by ordinance or resolution declares that there is a need for an authority to function in such county.

(2) The commission may adopt such an ordinance or resolution of need if it finds that the youth of the county and state do not have the opportunity to attend institutions of higher learning located within the county because of their inability to obtain financing for the cost of such education and the inability of such institutions to provide adequate financial aid to their students.

(3) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the authority, the authority shall be conclusively deemed to have been established and authorized to transact business and exercise its powers hereunder upon proof of the adoption of an ordinance or resolution by the commission declaring the need for the authority. Such ordinance or resolution shall be sufficient if it declares that there is such a need for an authority in the county. A copy of such ordinance or

resolution certified by the clerk shall be admissible in evidence in any suit, action, or proceeding.

(4) The ordinance or resolution shall designate five persons as members of the authority. The membership of the authority shall include:

(a) A trustee, director, officer, or employee of an institution located in such county.

(b) One lay citizen who does not derive a majority of his or her income from education or an education-related field.

(c) Two persons from the commercial financial community in the county, each of whom has a favorable reputation for skill, knowledge, and experience in the field of state and municipal finance.

(d) One person from the commercial financial community or educational community in the state who has a favorable reputation for skill, knowledge, and experience in the field of higher education loan finance.

(5) Of the members first appointed, one shall serve for 1 year, one for 2 years, one for 3 years, one for 4 years, and one for 5 years, in each case until his or her successor is appointed and has qualified. Thereafter, the commission shall appoint for terms of 5 years each members to succeed those whose terms will expire. The commission shall fill any vacancy for the unexpired portion of the term. Any member of the authority may be reappointed. Any member of the authority may be removed by the commission for misfeasance, malfeasance, or willful neglect of duty. Before entering upon his or her duties, each member of the authority shall take and subscribe to the oath or affirmation required by the State Constitution. A record of each such oath shall be filed with the Department

of State and with the clerk.

(6) The authority shall annually elect one of its members as chair and one as vice chair and shall also appoint an executive director who shall not be a member of the authority and who shall serve at the pleasure of the authority and receive such compensation as fixed by the authority.

(7) The executive director shall keep a record of the proceedings of the authority and shall be custodian of all books, documents, and papers filed with the authority; the minute book or journal of the authority; and its official seal. The director may have copies made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and any person dealing with the authority may rely upon any such certificate.

(8) Three members of the authority shall constitute a quorum, and the affirmative vote of a majority of the members present at a meeting shall be necessary for any action to be taken; however, any action may be taken by an authority with the unanimous consent of all of the members. A vacancy in the membership of the authority shall not impair the right of a quorum to exercise the rights or perform the duties of the authority. The majority shall not include any member who has a conflict of interest, and a statement by a member of a conflict of interest is conclusive for this purpose. Any action taken by the authority under the provisions of this act may be authorized by resolution at any regular or special meeting. Each such resolution shall take effect immediately and need not be published or posted.

(9) The members of the authority shall receive no compensation for the performance of their duties, but each

member, when engaged in the performance of such duties, shall be entitled to per diem and travel expenses as provided in s. 112.061.

(10) Notwithstanding any other law to the contrary, it shall not be, nor shall it constitute, a conflict of interest for a trustee, director, officer, or employee of an institution to serve as a member of the authority.

Section 498. Section 1009.994, Florida Statutes, is created to read:

1009.994 Functions and powers of authority.--Each authority shall have the following functions and powers:

(1) To adopt rules for the regulation of its affairs and the conduct of its business.

(2) To adopt an official seal.

(3) To maintain an office at a place it designates.

(4) To sue and be sued in its own name and to plead and be impleaded.

(5) To establish rules for the use of education loan financing programs and to designate a participating institution as its agent to establish rules for the use of a program undertaken by such participating institution.

(6) To issue obligations for the purpose of making authority loans to participating institutions for the purpose of providing education loans utilizing such eligibility standards for borrowers as the authority determines to be necessary, but such standards shall include the following:

(a) Each student shall have a certificate of admission or enrollment at a participating institution;

(b) Each student or his or her parents shall satisfy such financial qualifications as the authority shall establish; and

1 (c) Each student and his or her parents shall submit
2 such information to the applicable institution as may be
3 required by the authority.
4 (7) To contract with financial institutions and other
5 qualified loan origination and servicing organizations, which
6 shall assist in prequalifying borrowers for education loans
7 and which shall service and administer each education loan and
8 the respective loan series portfolio of each institution, and
9 to establish sufficient fees for each educational loan to
10 cover the applicable pro rata cost of such servicing and
11 originating organizations.
12 (8) To establish criteria governing the eligibility of
13 institutions to participate in its programs, the making and
14 allocation of authority loans and education loans, provisions
15 for default, the establishment of default reserve funds, the
16 purchase of default insurance, the provision of prudent debt
17 service reserves, and the furnishing by participating
18 institutions of such additional guarantees of the education
19 loans, authority loans, or obligations as the authority shall
20 determine necessary to assure the marketability of the
21 obligations and the adequacy of the security therefor;
22 however, the provisions applicable to participation by Florida
23 public participating institutions in the financing programs of
24 the authority shall be subject to approval and authorization
25 by the budgetary and other state agencies having jurisdiction
26 over those institutions.
27 (9) To fix, revise, charge, and collect rates, fees,
28 and charges for services furnished by the authority and to
29 contract with any person in respect thereto, including any
30 financial institution, loan originator, servicer,
31 administrator, issuer of letters of credit, or insurer.

(10) To employ consultants, attorneys, accountants, financial experts, loan processors, bankers, managers, and such other employees and agents as may be necessary and to fix their compensation.

(11) To receive and accept, from any source, loans, contributions, or grants for or in aid of an authority education loan financing program or any portion thereof and, when required, to use such funds, property, or labor only for the purposes for which it was loaned, contributed, or granted.

(12) To make authority loans to institutions and require that the proceeds thereof be used solely for making education loans or for costs and fees in connection therewith and to require institutions to obtain certification from each borrower that proceeds from any education loan are used solely for the purpose intended by this act.

(13) To charge to and apportion among participating institutions administrative and operating costs and expenses incurred in the exercise of the powers and duties conferred by this act.

(14) To borrow working capital funds and other funds as may be necessary for startup and continuing operations, provided that such funds are borrowed solely in the name of the authority. Such borrowings shall be limited obligations of the character described in s. 1009.9975 and shall be payable solely from revenues of the authority or proceeds of obligations pledged for that purpose.

(15) Notwithstanding any other provisions of this act, to commingle and pledge as security for a series or issue of obligations, with the consent of all of the institutions which are participating in such series or issue:

(a) The education loan series portfolios and some or

all future education loan series portfolios of such institutions; and

(b) The loan funding deposits of such institutions, except that education loan series portfolios and other security and moneys set aside in any fund pledged for any series or issue of obligations shall be held for the sole benefit of such series or issue separate and apart from education loan series portfolios and other security and moneys pledged for any other series of issue of obligations of the authority. Obligations may be issued in series under one or more resolutions or trust agreements in the discretion of the authority.

(16) To examine records and financial reports of participating institutions and to examine records and financial reports of any contractor organization or institution retained by the authority under the provisions of this act.

(17) To make loans to a participating institution to refund outstanding obligations, mortgages, or advances issued, made, or given by such institution for authority loans; and whenever such refunding obligations are issued to refund obligations, the proceeds of which were used to make authority loans, the authority may reduce the amount of interest owed to it by the institution which had received authority loans from the proceeds of the refunded obligations. Such institution may use this reduced amount to reduce the amount of interest being paid on education loans which the institution had made pursuant to the authority loans from the proceeds of the refunded obligations.

(18) To authorize its officers, agents, and employees to take any other action which is necessary in order to carry

1 out the purposes of this act.
2 Section 499. Section 1009.995, Florida Statutes, is
3 created to read:
4 1009.995 Expenses of authority.--All expenses incurred
5 in carrying out the provisions of this act shall be payable
6 solely from funds provided under the provisions of this act;
7 and, except as specifically authorized under this act, no
8 liability shall be incurred by an authority beyond the extent
9 to which moneys have been provided under this act.
10 Section 500. Section 1009.996, Florida Statutes, is
11 created to read:
12 1009.996 Higher education facilities authority as
13 higher education loan authority.--As an alternative to the
14 creation of an authority, a commission may confer all rights,
15 powers, privileges, duties, and immunities of an authority
16 upon any entity in existence on July 1, 1982, which has been
17 authorized by law to function as a higher education facilities
18 authority pursuant to the provisions of chapter 243. Any such
19 entity which has been vested with the rights, powers,
20 privileges, duties, and immunities of a higher education loan
21 authority shall be subject to all provisions and
22 responsibilities imposed by this act, notwithstanding any
23 provisions to the contrary in any law which established the
24 entity. Nothing in this act shall be construed to impair or
25 diminish any powers of any other entity in existence on July
26 1, 1982, or to repeal, modify, or amend any law establishing
27 such entity, except as specifically set forth herein.
28 Section 501. Section 1009.9965, Florida Statutes, is
29 created to read:
30 1009.9965 Moneys, endowments, properties; acquisition,
31 deposit, and guarantees.--Each authority is authorized to

establish specific guidelines relating to the deposits of moneys, endowments, or properties by institutions which moneys, endowments, or properties would provide prudent security for education loan funding programs, authority loans, education loans, or obligations; and it may establish guidelines relating to guarantees of, or contracts to purchase, education loans or obligations by such institutions, financial institutions, or others. A default reserve fund may be established for each series or issue of obligations. In this regard, the authority is empowered to receive such moneys, endowments, properties, and guarantees as it deems appropriate and, if necessary, to take title in the name of the authority or in the name of a participating institution or a trustee, subject, however, to the limitations applicable to public participating institutions set forth in s. 1009.994(8).

Section 502. Section 1009.997, Florida Statutes, is created to read:

1009.997 Conveyance of loan funding deposit to participating institutions.--When the principal of and interest on obligations of an authority issued to finance the cost of an education loan financing program, including any refunding obligations issued to refund and refinance such obligations, have been fully paid and retired or when adequate provision has been made to fully pay and retire the obligations and all other conditions of the bond resolution have been satisfied and the lien created by such bond resolution has been released in accordance with the provisions thereof, the authority shall promptly do such things and execute such deeds and conveyances as are necessary to convey any remaining moneys, properties, and other assets comprising loan funding deposits to the institutions in proportion to the

amounts furnished by the respective institutions.

Section 503. Section 1009.9975, Florida Statutes, is created to read:

1009.9975 Notes of authority.--An authority may issue its negotiable notes for any corporate purpose and renew any notes by the issuance of new notes, whether or not the notes to be renewed have matured. The authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution authorizing revenue bonds or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. All such notes shall be payable solely from the revenues of the authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

Section 504. Section 1009.9976, Florida Statutes, is created to read:

1009.9976 Issuance of obligations.--

(1) An authority may issue its negotiable revenue obligations for any corporate purpose. In anticipation of the sale of such obligations, the authority may issue negotiable bond anticipation notes and may renew them, but the maximum maturity of any such note, including renewals thereof, shall not exceed 5 years from the date of issue of the original note. Such notes shall be paid from revenues of the authority available therefor and not otherwise pledged or from the

proceeds of sale of the revenue bonds of the authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution authorizing them may contain any provisions, conditions, or limitations which a bond resolution of the authority may contain.

(2) Each issue of obligations shall be payable solely out of those revenues of the authority that pertain to the program relating to such issue, including principal and interest on authority loans and education loans; payments by institutions of higher education, banks, insurance companies, or others pursuant to letters of credit or purchase agreements; investment earnings from funds or accounts maintained pursuant to the bond resolution; insurance proceeds; loan funding deposits; proceeds of sales of education loans; proceeds of refunding obligations; and fees, charges, and other revenues of the authority from such program, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular reserves.

(3) The obligations may be issued as serial obligations or as term obligations, or in both forms. The obligations shall be authorized by a bond resolution of the authority and shall bear such dates; mature at such times, not to exceed the year following the last year in which the final payments in an education loan series portfolio are due or 30 years, whichever is sooner, from their respective dates of issue; bear interest at such rates; be payable at such times; be in such denominations; be in such form, either coupon or fully registered; carry such registration and conversion privileges; be payable in lawful money of the United States of

America at such places; and be subject to such terms of redemption as such bond resolution may provide. Obligations shall be executed by the manual or facsimile signatures of such officers of the authority as shall be designated by the authority. Obligations may be sold at public or private sale in such manner and for such price as the authority shall determine. Pending preparation of the definitive bonds, the authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(4) Any bond resolution may contain provisions, which shall be a part of the contract with the holders of the obligations to be authorized, as to:

(a) The pledging or assigning of all or part of the revenues derived from the authority loans and education loans to secure the payment of the obligations to be issued.

(b) The fees and other amounts to be charged; the sums to be raised in each year thereby; and the use, investment, and disposition of such sums.

(c) The setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of insurance accounts, and sinking funds and the regulation, investment, and disposition thereof.

(d) Limitations on the right of the authority or its agent to restrict and regulate the use of education loans.

(e) Limitations on the purpose to which the proceeds of sale of any issue of obligations then or thereafter to be issued may be invested or applied.

(f) Limitations on the issuance of additional obligations; the terms upon which additional obligations may be issued and secured; the terms upon which additional obligations may rank on a parity with, or be subordinate or

superior to, other obligations; and the refunding of outstanding obligations.

(g) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of obligations the holders of which must consent thereto, and the manner in which such consent may be given.

(h) Limitations on the amount of moneys derived from the loan program to be expended for operating, administrative, or other expenses of the authority.

(i) Defining the acts or omissions to act which constitute a default in the duties of the authority to holders of obligations and providing the rights or remedies of such holders in the event of a default.

(j) Providing for guarantees, pledges or endowments, letters of credit, property, or other security for the benefit of the holders of such obligations.

(k) Any other matters relating to the obligations which the authority deems desirable to include in the bond resolution.

(5) Neither the members of the authority nor any person executing the obligations shall be liable personally on the obligations or be subject to any personal liability or accountability by reason of the issuance thereof.

(6) The authority shall have power to purchase its obligations out of any funds available therefor. The authority may hold, pledge, cancel, or resell such obligations subject to and in accordance with agreements with bondholders.

(7) The authority shall have the power to refund any of its obligations. Such refunding obligations shall be issued in the same manner as other obligations of the authority.

Section 505. Section 1009.9977, Florida Statutes, is created to read:

1009.9977 Trust agreement to secure obligations.--In the discretion of the authority, any obligations issued under the provisions of this act may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state. The trust agreement may pledge or assign the revenues to be received by the authority; may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, particularly including such provisions as have hereinabove been specifically authorized to be included in any bond resolution of the authority; and may restrict individual rights of action by bondholders. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the authority. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee. In addition, any trust agreement may contain such other provisions as the authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out the provisions of the trust agreement may be treated as part of the cost of the operation of an education loan program.

Section 506. Section 1009.9978, Florida Statutes, is created to read:

1009.9978 Payment of obligations.--Obligations issued under the provisions of this act shall not be deemed to

constitute a debt or liability of the state or the county or a pledge of the faith and credit of the state or any county, but such obligations shall be payable solely from the funds herein provided therefor from revenues. Each such obligation shall contain on its face a statement to the effect that neither the county nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the loan program for which it is issued and that neither the faith and credit nor the taxing power of the state or of any political subdivision thereof is pledged to the payment of the principal of or the interest on such bonds. The issuance of obligations under the provisions of this act shall not directly, indirectly, or contingently obligate the state or any political subdivision thereof to levy or pledge any form of taxation whatever therefor or to make any appropriation for their payment.

Section 507. Section 1009.9979, Florida Statutes, is created to read:

1009.9979 Pledge of revenues.--Each authority shall fix, revise, charge, and collect fees, and it is empowered to contract with any person in respect thereof. Each agreement entered into by the authority with an institution shall provide that the fees and other amounts payable by the institution of higher education with respect to any program of the authority shall be sufficient at all times to:

(1) Pay the institution's share of the administrative costs and expenses of such program;

(2) Pay the principal of, the premium, if any, on, and the interest on outstanding obligations of the authority which have been issued in respect of such program to the extent that other revenues of the authority pledged for the payment of the

obligations are insufficient to pay the obligations as they become due and payable;

(3) Create and maintain reserves which may, but need not, be required or provided for in the bond resolution relating to such obligations of the authority; and

(4) Establish and maintain whatever education loan servicing, control, or audit procedures are deemed necessary to the prudent operations of the authority.

The authority shall pledge the revenues from each program as security for the issue of obligations relating to such program. Such pledge shall be valid and binding from the time the pledge is made; the revenues so pledged by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding against all parties having claims of any kind in tort, in contract, or otherwise against the authority or any participating institution, irrespective of whether such parties have notice thereof.

Section 508. Section 1009.998, Florida Statutes, is created to read:

1009.998 Funds as trust funds.--All moneys received by or on behalf of an authority pursuant to this act, whether as proceeds from the sale of obligations or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this act. Any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes of this act, subject to such regulations as this act and the bond resolution authorizing the issue of any

1 obligations may provide.
2 Section 509. Section 1009.9981, Florida Statutes, is
3 created to read:
4 1009.9981 Obligations; qualities of investment
5 securities.--All obligations issued under the provisions of
6 this act, regardless of form or terms, shall have all the
7 qualities and incidents, including negotiability, of
8 investment securities under the Uniform Commercial Code.
9 Compliance with the provisions of such code respecting the
10 filing of a financing statement to perfect a security interest
11 is not necessary for perfecting any security interest granted
12 by an authority.
13 Section 510. Section 1009.9982, Florida Statutes, is
14 created to read:
15 1009.9982 Rights of holders of obligations.--Any
16 holder of obligations issued pursuant to this act or a trustee
17 under a trust agreement entered into pursuant to this act,
18 except to the extent that the rights herein given may be
19 restricted by any bond resolution or trust agreement, may, by
20 any suitable form of legal proceedings:
21 (1) Protect and enforce any and all rights under the
22 laws of this state or granted hereunder or by the bond
23 resolution or trust agreement;
24 (2) Enjoin unlawful activities; and
25 (3) In the event of default with respect to the
26 payment of any principal of, premiums, if any, on, and
27 interest on any obligation or in the performance of any
28 covenant or agreement on the part of the authority in the bond
29 resolution, apply to the circuit court to appoint a receiver
30 to administer and operate the education loan program or
31 programs, the revenues of which are pledged to the payment of

principal of, premium, if any, on, and interest on such obligations, with full power to pay, and to provide for payment of, principal of, premium, if any, on, and interest on such obligations and with such powers, subject to the direction of the court, as are permitted by law and are accorded receivers, excluding any power to pledge additional revenues of the authority to the payment of such principal, premium, and interest.

Section 511. Section 1009.9983, Florida Statutes, is created to read:

1009.9983 Refunding obligations; purpose, proceeds; investment of proceeds.--

(1) An authority may provide for the issuance of obligations for the purpose of refunding any of its obligations then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase, or maturity of such obligations.

(2) The proceeds of any such obligations issued for the purpose of refunding outstanding obligations may, in the discretion of the authority, be applied to the purchase or retirement at maturity or redemption of such outstanding obligations either on their earliest or any subsequent redemption date or upon the purchase or at the maturity thereof and may, pending such application, be placed in escrow to be applied to such purchase or retirement at maturity or redemption on such date as may be determined by the authority.

(3) Any such escrowed proceeds, pending such use, may be invested and reinvested in direct obligations of the United States of America or in certificates of deposit or time deposits of financial institutions secured as to principal by

such direct obligations, which direct obligations, certificates of deposit, or time deposits mature at such time as shall be appropriate to assure the prompt payment, as to principal, interest, and redemption premium, if any, of the outstanding obligations to be so refunded. The interest, income, and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding obligations to be so refunded. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, income, and profits, if any, earned or realized on the investments thereof shall be returned to the authority for use in any lawful manner.

(4) All such refunding bonds shall be subject to this act in the same manner and to the same extent as other revenue bonds issued pursuant to this act.

Section 512. Section 1009.9984, Florida Statutes, is created to read:

1009.9984 Investment of funds of authority.--Except as otherwise provided in s. 1009.9983(3), an authority may invest any funds in:

(1) Direct obligations of the United States of America;

(2) Obligations as to which the timely payment of principal and interest is fully guaranteed by the United States of America;

(3) Obligations of the Federal Intermediate Credit Banks, Federal Banks for Cooperatives, Federal Land Banks, Federal Home Loan Banks, Federal National Mortgage Association, Government National Mortgage Association, and Student Loan Marketing Association;

(4) Certificates of deposit or time deposits

constituting direct obligations of any financial institution as defined by the financial institutions codes, as now or hereafter amended, except that investments may be made only in those certificates of deposit or time deposits in financial institutions which are insured by the appropriate federal regulatory agency as defined in s. 655.005; and

(5) Withdrawable capital accounts or deposits of state or federally chartered savings and loan associations which are insured by an agency of the Federal Government. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date prior to the time when, in the judgment of the authority, the funds so invested will be required for expenditure. The express judgment of the authority as to the time when any funds will be required for expenditure or be redeemable is final and conclusive.

Section 513. Section 1009.9985, Florida Statutes, is created to read:

1009.9985 Obligations as legal investments.--Any bank, banker, trust company, savings bank or institution, building and loan association, savings and loan association, investment company, or other person carrying on a banking business or investment business; insurance company or insurance association; executor, administrator, guardian, trustee, or other fiduciary; or public officer or public body of the state or its political subdivisions may legally invest any sinking funds, moneys, or other funds belonging to it or within its control in any obligations issued pursuant to this act.

Section 514. Section 1009.9986, Florida Statutes, is created to read:

1009.9986 Validation of bonds and proceedings.--A higher education loan authority shall determine its authority to issue any of its bonds, and the legality of all proceedings in connection therewith, as provided in chapter 75.

Section 515. Section 1009.9987, Florida Statutes, is created to read:

1009.9987 Actions to contest validity of bonds.--An action or proceeding to contest the validity of any bond issued under this act, other than a proceeding pursuant to s. 1009.9986, shall be commenced within 30 days after notification, in a newspaper of general circulation within the area, of the passage by the authority of the resolution authorizing the issuance of such bond.

Section 516. Section 1009.9988, Florida Statutes, is created to read:

1009.9988 Annual report.--Each authority shall keep an accurate account of all of its activities and shall annually provide a report thereof to the commission and to the Commissioner of Education. Such report shall be a public record and open for inspection at the offices of the authority during normal business hours. The report shall include:

(1) Summaries of all applications by institutions of higher education for education loan financing assistance presented to the authority during such fiscal year;

(2) Summaries of all education loan programs which have received any form of financial assistance from the authority during such year;

(3) The nature and amount of all education loan financing assistance;

(4) A report concerning the financial condition of the various education loan series portfolios; and

(5) Projected activities of the authority for the next fiscal year, including projections of the total amount of financial assistance anticipated and the amount of obligations that will be necessary to provide the projected level of assistance during the next fiscal year.

Section 517. Section 1009.9989, Florida Statutes, is created to read:

1009.9989 Act as alternative method.--This act shall be deemed to provide a complete, additional, and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers or rights conferred by other laws; however, the issuance of obligations and refunding obligations under this act need not comply with the requirements of any other law applicable to the issuance of obligations. Except as otherwise expressly provided in this act, none of the powers granted to an authority under this act shall be subject to the supervision or regulation, or require the approval or consent, of any municipality or political subdivision or any department, division, commission, board, body, bureau, official, or agency thereof or of the state.

Section 518. Section 1009.9990, Florida Statutes, is created to read:

1009.9990 State agreement.--The state does hereby pledge to and agree with the holders of any obligations issued under this act, and with those parties who may enter into contracts with an authority pursuant to the provisions of this act, that the state will not limit or alter the rights hereby vested in the authority until such obligations, together with the interest thereon, are fully met and discharged and such contracts are fully performed on the part of the authority;

however, nothing herein contained shall preclude such limitation or alteration if adequate provision is made by law for the protection of the holders of such obligations of an authority or those entering into such contracts with an authority. An authority is authorized to include this pledge and undertaking for the state in such obligations or contracts.

Section 519. Section 1009.9991, Florida Statutes, is created to read:

1009.9991 Conflicts of interest.--

(1) If any member, officer, or employee of an authority has an interest, either direct or indirect, in any contract to which the authority is, or is to be, a party or in any institution requesting an authority loan from the authority, such interest shall be disclosed to the authority in writing and shall be set forth in the minutes of the authority. The person having such interest shall not participate in any action by the authority with respect to such contract or such institution.

(2) Nothing in this section shall be construed to limit the right of any member, officer, or employee of an authority to acquire an interest in bonds of the authority or to have an interest in any banking institution in which the bonds of the authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under any bond resolution, trust indenture, or similar instrument to which the authority is a party.

Section 520. Section 1009.9992, Florida Statutes, is created to read:

1009.9992 Liberal construction.--This act, being necessary for the welfare of the state and its inhabitants,

shall be liberally construed to effect its purpose.

Section 521. Section 1009.9993, Florida Statutes, is created to read:

1009.9993 Tax exemption.--Neither an authority nor its agent or trustee shall be required to pay any taxes or assessments upon any transactions, or any property acquired or used by the authority or its agents or trustees under the provisions of this act or upon the income therefrom. Any bonds, notes, or other obligations issued under the provisions of this act and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be exempt from taxation of any kind by the state or any of its political subdivisions. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 522. Section 1009.9994, Florida Statutes, is created to read:

1009.9994 State Board of Administration authority to borrow and lend funds to finance student loans; conditions and limitations.--

(1) The State of Florida, acting through the State Board of Administration, is authorized to borrow funds to finance student loans and to lend such funds to eligible lenders described under the provisions of the Higher Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may be amended, or other federal laws providing for the guarantee of loans to students and the partial payment of interest on such loans by the United States Government.

(2) In order to obtain such funds, the State of Florida, acting through the State Board of Administration, is

authorized to enter into loan agreements and interlocal agreements with any county, municipality, special district, or other local governmental body. Such agreements shall be for such periods and under such terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 15, Art. VII of the State Constitution. The loans shall be repaid only from the proceeds received under loan agreements with eligible lenders or from the proceeds received from the repayment of the student loans. Such agreements shall provide that the loans to the state will not constitute a general or moral obligation or a pledge of the faith and credit or the taxing power of the state.

(3) The State of Florida, acting through the State Board of Administration, is further authorized to enter into loan agreements or other contracts under which the state will loan the funds obtained from the local governments to eligible lenders as defined in s. 435(g)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may be amended, or other federal laws providing for the guarantee of loans to students and the partial payment of interest on such loans by the United States Government. Such agreements or contracts shall be for such periods and under such terms and conditions as may be mutually agreed upon by the parties thereto in order to carry out the purposes of s. 15, Art. VII of the State Constitution. Higher Education Loan Program of Florida, Inc., a Florida nonprofit corporation, is hereby designated an eligible lender hereunder, and any other lender, to the extent permitted under s. 435(g)(1)(D) of the Higher Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may be amended, or other federal laws providing for the guarantee of loans to students and the partial payment of

interest on such loans by the United States Government, may be designated by the Governor, with the concurrence of the State Board of Administration, as an eligible lender hereunder.

(4) The State of Florida, acting through the State Board of Administration, is further authorized to enter into such further contracts and to take such further actions as may be necessary or convenient in order to carry out the purposes of this section.

(5) Notice shall be published in a newspaper of general circulation within the territorial jurisdiction of the governmental body following adoption by the local governmental body of a resolution authorizing a loan agreement or interlocal agreement under this section. An action or proceeding to contest the validity of any such loan agreement or interlocal agreement must be commenced within 30 days after publication of such notice.

(6) The provisions of this section shall be liberally construed in order to effectively carry out its purposes. This section shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

Section 523. Contingent upon ss. 1011.41 and 1011.4106, Florida Statutes, which transfer funding associated with student tuition and fees and other authorized fees for services to local accounts to be managed by university boards of trustees, becoming law, the total receipts of the state which are subject to the revenue limitations of Article VII, Section 1(e) of the Florida Constitution shall be reduced by the Revenue Estimation Conference to reflect this transfer.

Section 524. Chapter 1010, Florida Statutes, shall be entitled "Financial Matters" and shall consist of ss. 1010.01-1010.86.

Section 525. Part I of chapter 1010, Florida Statutes, shall be entitled "General Accounting Requirements" and shall consist of ss. 1010.01-1010.11.

Section 526. Section 1010.01, Florida Statutes, is created to read:

1010.01 Uniform records and accounts.--

(1) The financial records and accounts of each school district, community college, university, and other institution or agency under the supervision of the State Board of Education shall be prepared and maintained as prescribed by law and rules of the State Board of Education.

(2) Rules of the State Board of Education shall incorporate the requirements of law and the appropriate requirements of the Governmental Accounting Standards Board (GASB) for State and Local Government.

(3) Required financial accounts and reports shall include provisions that are unique to each of the following: K-12 school districts, community colleges, and state universities, and shall provide for the data to be reported to the National Center of Educational Statistics and other governmental and professional educational data information services as appropriate.

Section 527. Section 1010.011, Florida Statutes, is created to read:

1010.011 Definition.--For purposes of chapters 1010 and 1011, the following terms: university, universities, and university board of trustees include New College under the supervision of the State Board of Education.

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Section 528. Section 1010.02, Florida Statutes, is created to read:

1010.02 Financial accounting and expenditures.--All funds accruing to a school district, a community college, or a university must be received, accounted for, and expended in accordance with law and rules of the State Board of Education.

Section 529. Section 1010.03, Florida Statutes, is created to read:

1010.03 Delinquent accounts.--District school boards, community college boards of trustees, and university boards of trustees:

(1) Shall exert every effort to collect all delinquent accounts.

(2) May charge off or settle such accounts as may prove uncollectible.

(3) May employ the services of a collection agency when deemed advisable in collecting delinquent accounts.

(4) May adopt rules, as necessary, to implement the provisions of this section, including setoff procedures, payroll deductions, and restrictions on release of transcripts, awarding of diplomas, and access to other resources and services of the school district, community college, or university.

Section 530. Section 1010.04, Florida Statutes, is created to read:

1010.04 Purchasing.--

(1) Purchases and leases by school districts, community colleges, and universities shall comply with the requirements of law and rules of the State Board of Education.

(2) Each district school board, community college board of trustees, and each university board of trustees shall

adopt rules to be followed in making purchases.

(3) In districts in which the county purchasing agent is authorized by law to make purchases for the benefit of other governmental agencies within the county, the district school board and community college board of trustees shall have the option to purchase from the current county contracts at the unit price stated therein if such purchase is to the economic advantage of the district school board or the community college board of trustees; subject to confirmation of the items of purchase to the standards and specifications prescribed by the school district or community college.

(4) The State Board of Education may, by rule, provide for alternative procedures for bidding or purchasing in cases in which the character of the item requested renders competitive bidding impractical.

Section 531. Section 1010.05, Florida Statutes, is created to read:

1010.05 Federal grants; maximization of indirect cost allowance.--The Department of Education shall maximize the available federal indirect cost allowed on all federal grants. Beginning with the 2002-2003 fiscal year, none of the funds received from indirect cost allowance shall be expended by the department without specific appropriation by the Legislature. Funds received pursuant to s. 1004.22 are specifically exempt from this provision.

Section 532. Section 1010.07, Florida Statutes, is created to read:

1010.07 Bonds or insurance required.--

(1) Each district school board, community college board of trustees, and university board of trustees shall ensure that each official and employee responsible for

handling, expending, or authorizing the expenditure of funds shall be appropriately bonded or insured to protect the board and the funds involved.

(2) Contractors paid from school district, community college, or university funds shall give bond for the faithful performance of their contracts in such amount and for such purposes as prescribed by s. 255.05 or by rules of the State Board of Education relating to the type of contract involved. It shall be the duty of the district school board, community college board of trustees, and university board of trustees to require construction contractors a bond adequate to protect the board and the board's funds involved.

Section 533. Section 1010.08, Florida Statutes, is created to read:

1010.08 Promotion and public relations; funding.--Each district school board and community college board of trustees may budget and use a portion of the funds accruing to it from auxiliary enterprises and undesignated gifts for promotion and public relations as prescribed by rules of the State Board of Education. Such funds may be used to provide hospitality to business guests in the district or elsewhere. However, such hospitality expenses may not exceed the amount authorized for such contingency funds as prescribed by rules of the State Board of Education.

Section 534. Section 1010.09, Florida Statutes, is created to read:

1010.09 Direct-support organizations.--School district, community college, and university direct-support organizations shall be organized and conducted under the provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the State Board of Education, as applicable.

Section 535. Section 1010.11, Florida Statutes, is created to read:

1010.11 Electronic transfer of funds.--Pursuant to the provisions of s. 215.85, each district school board, community college board of trustees, and university board of trustees shall adopt written policies prescribing the accounting and control procedures under which any funds under their control are allowed to be moved by electronic transaction for any purpose including direct deposit, wire transfer, withdrawal, or investment. Electronic transactions shall comply with the provisions of chapter 668.

Section 536. Part II of chapter 1010, Florida Statutes, shall be entitled "Financial Reporting" and shall consist of ss. 1010.20-1010.24.

Section 537. Section 1010.20, Florida Statutes, is created to read:

1010.20 Cost accounting and reporting for school districts.--

(1) COST ACCOUNTING.--Each school district shall account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the Department of Education or as provided by law.

(2) COST REPORTING.--

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s. 1011.62(5).

(b) Each district shall report on a school-by-school and on an aggregate district basis expenditures for each program funded in s. 1011.62(1)(c).

(c) The Commissioner of Education shall present to the Legislature, prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the education system. The Commissioner of Education shall also compute cost factors relative to the base student allocation for each funded program in s. 1011.62(1)(c).

(3) PROGRAM EXPENDITURE REQUIREMENTS.--

(a) Each district shall expend at least the percent of the funds generated by each of the programs listed in this section on the aggregate total school costs for such programs:

1. Kindergarten and grades 1, 2, and 3, 90 percent.

2. Grades 4, 5, 6, 7, and 8, 80 percent.

3. Grades 9, 10, 11, and 12, 80 percent.

4. Programs for exceptional students, on an aggregate program basis, 90 percent.

5. Grades 7 through 12 career and technical education programs, on an aggregate program basis, 80 percent.

6. Students-at-risk programs, on an aggregate program basis, 80 percent.

7. Juvenile justice programs, on an aggregate program basis, 80 percent.

8. Any new program established and funded under s. 1011.62(1)(c), that is not included under subparagraphs 1.-6., on an aggregate basis as appropriate, 80 percent.

(b) Funds for inservice training established in s. 1011.62(3) and for categorical programs established in s. 1011.62(5) shall be expended for the costs of the identified

programs as provided by law and in accordance with the rules of the State Board of Education.

Section 538. Section 1010.21, Florida Statutes, is created to read:

1010.21 Indirect costs.--District school boards shall assess district indirect costs only for services received by the program or institution against which such cost is assessed. When assigning each specific indirect cost to multiple programs or institutions, district school boards shall identify one basis for the assessment of such cost and shall maintain the same basis for assigning such cost to each program or institution.

Section 539. Section 1010.215, Florida Statutes, is created to read:

1010.215 Educational funding accountability.--

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

(a) "Administrative personnel" means those employees responsible for management functions such as the development of broad policies and implementation of those policies through the direction of personnel.

(b) "Educational support personnel" means district-based and school-based employees, including professional staff, technicians, secretaries, clerks, skilled workers, transportation employees, food service employees, and custodial and maintenance workers.

(c) "Instructional personnel" means classroom teachers, including substitute teachers.

(d) "Instructional specialists" means staff members responsible for providing student personnel services, librarians, and media specialists.

(e) "Instructional support personnel" means aides or

assistants to instructional personnel or instructional specialists.

(f) "Managers" means instructional and noninstructional employees with some managerial and supervisory functions, although primarily responsible for general operations. This category includes only district-based employees.

(2) Each district school board must classify each employee of the district school board into one of the following categories:

(a) Instructional personnel;

(b) Instructional specialists;

(c) Instructional support personnel;

(d) Administrative personnel;

(e) Managers; or

(f) Educational support personnel.

The district school board shall notify each employee of such classification.

(3)(a) The school public accountability report to parents must include the number of employees in each of the categories listed in subsection (2), by work location. However, this does not include the number of temporary substitute employees.

(b) Any teacher-to-student ratio or class size measure required by law or State Board of Education rule must be computed by dividing the number of students in membership at the school by the number of full-time equivalent instructional personnel pursuant to paragraph (2)(a). Class size reports for exceptional student education shall be computed by dividing the number of exceptional students in membership by the number

of full-time equivalent exceptional education classroom teachers who are classified as instructional personnel pursuant to paragraph (2)(a).

(4)(a) All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as administrative expenditures:

1. District school board.

2. General administration.

3. School administration, excluding support expenditures.

4. Facilities acquisition and construction at the district level.

5. Fiscal services.

6. Central services at the district level.

(b) All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as instructional expenditures:

1. Instruction.

2. Instructional support services, including student personnel services, instructional media services, instruction and curriculum development, and instructional staff training services.

3. School administration, including support expenditures.

4. Facilities acquisition and construction at the

1 school level.
2 5. Food services.
3 6. Central services at the school level.
4 7. Student transportation services.
5 8. Operation of plant.
6 9. Maintenance of plant.
7
8 Definitions for the functions specified in this subsection are
9 specified in State Board of Education rules.
10 (5) The annual school public accountability report
11 required by ss. 1001.42(16) and 1008.345 must include a school
12 financial report. The purpose of the school financial report
13 is to better inform parents and the public concerning how
14 revenues were spent to operate the school during the prior
15 fiscal year. Each school's financial report must follow a
16 uniform, districtwide format that is easy to read and
17 understand.
18 (a) Total revenue must be reported at the school,
19 district, and state levels. The revenue sources that must be
20 addressed are state and local funds, other than lottery funds;
21 lottery funds; federal funds; and private donations.
22 (b) Expenditures must be reported as the total
23 expenditures per unweighted full-time equivalent student at
24 the school level and the average expenditures per full-time
25 equivalent student at the district and state levels in each of
26 the following categories and subcategories:
27 1. Teachers, excluding substitute teachers, and
28 education paraprofessionals who provide direct classroom
29 instruction to students enrolled in programs classified by s.
30 1011.62 as:
31 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.

(6) Based on the classifications in this section, each district school board shall annually submit a report by January 1, which identifies and summarizes administrative

expenditures and instructional expenditures by fund for the preceding fiscal year. The report shall also state the number of unweighted full-time equivalent students enrolled in the school district. The total amount of administrative expenditures shall be divided by the number of unweighted full-time equivalent students to determine the administrative expenditures per student. This calculation is to be made separately for the general and the special revenue funds. In addition, the report shall reflect the number of employees in each category outlined in subsection (2) and the percentage of employees in each category, excluding the number of temporary substitute employees. This report shall be submitted to the commissioner and shall be made available to the public. The school public accountability report shall contain notification of the availability of this report.

Section 540. Section 1010.22, Florida Statutes, is created to read:

1010.22 Cost accounting and reporting for workforce education.--

(1) Each school district and each community college shall account for expenditures of all state, local, federal, and other funds in the manner prescribed by the State Board of Education.

(2) Each school district and each community college shall report expenditures for workforce education in accordance with requirements prescribed by the State Board of Education.

(3) The Department of Education, in cooperation with school districts and community colleges, shall develop and maintain a database of valid comparable information on workforce education which will meet both state and local

needs.

Section 541. Section 1010.23, Florida Statutes, is created to read:

1010.23 Cost accounting and reporting for community colleges.--Community colleges shall provide an annual report on the cost of operations as provided in s. 1011.84.

Section 542. Section 1010.24, Florida Statutes, is created to read:

1010.24 Cost accounting and reporting for universities.--Universities shall provide an annual expenditure analysis report as provided in s. 1011.90.

Section 543. Part III of chapter 1010, Florida Statutes, shall be entitled "Audit Requirements and Procedures" and shall consist of ss. 1010.30-1010.34.

Section 544. Section 1010.30, Florida Statutes, is created to read:

1010.30 Audits required.--School districts, community colleges, universities, and other institutions and agencies under the supervision of the State Board of Education are subject to the audit provisions under ss. 11.45 and 218.39.

Section 545. Section 1010.305, Florida Statutes, is created to read:

1010.305 Audit of student enrollment.--

(1) The Auditor General shall periodically examine the records of school districts, and other agencies as appropriate, to determine compliance with law and State Board of Education rules relating to the classification, assignment, and verification of full-time equivalent student enrollment and student transportation reported under the Florida Education Finance Program.

(2) If it is determined that the approved criteria and

procedures for the placement of students and the conduct of programs have not been followed by the district, appropriate adjustments in the full-time equivalent student count for that district must be made, and any excess funds must be deducted from subsequent allocations of state funds to that district. As provided for by rule, if errors in a specific program of a district recur in consecutive years due to lack of corrective action by the district, adjustments may be made based upon statistical estimates of error projected to the overall district program.

Section 546. Section 1010.33, Florida Statutes, is created to read:

1010.33 Financial and performance audits.--Each district school board and community college board of trustees, and university board of trustees is authorized to have an audit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. These audits are in addition to those required by ss. 11.45 and 218.39.

Section 547. Section 1010.34, Florida Statutes, is created to read:

1010.34 Audits of direct-support organizations.--Audits of school district, community college, and state university direct-support organizations are subject to the audit provisions of ss. 1013.77(4), 1004.28(5), and 1004.70(6), as applicable.

Section 548. Part IV of chapter 1010, Florida Statutes, shall be entitled "Provisions Relating to Bonding" and shall consist of ss. 1010.40-1010.619.

Section 549. Section 1010.40, Florida Statutes, is created to read:

1010.40 Proposals for issuing bonds.--Whenever the residents of a school district in this state shall desire the issuance of bonds by such school district for the purpose of acquiring, building, enlarging, furnishing, or otherwise improving buildings or school grounds, or for any other exclusive use of the public schools within such school district, they shall present to the district school board a petition signed by not less than 25 percent of the duly qualified electors residing within the school district, setting forth in general terms the amount of the bonds desired to be issued, the purpose thereof, and that the proceeds derived from the sale of such bonds shall be used for the purposes set forth in the petition. The requirement for such petition may be dispensed with and the proposition of issuing bonds for the purposes as herein outlined may be initiated by the district school board of the said district; however, nothing contained in this section shall repeal any of the provisions of ss. 100.201-100.221, 100.241, 100.261-100.341, and 100.351.

Section 550. Section 1010.41, Florida Statutes, is created to read:

1010.41 Procedure of district school boards with reference to proposals for issuing bonds.--It shall be the duty of the district school board to plan the school financial program of the district so that, insofar as practicable, needed capital outlay expenditures can be made without the necessity of issuing bonds. Whenever the district school board proposes an issue of bonds or has received any petition proposing the issuance of bonds, as provided in s. 1010.40, the said board shall forthwith proceed as follows:

(1) The district school board, after considering

recommendations submitted by the district school superintendent, shall determine whether in its opinion the projects for which bonds are proposed to be issued are essential for the school program of the district.

(2) If the proposed projects are deemed essential by the district school board or if the proposed projects are rejected in whole or in part, the district school board shall, if practicable, prepare a plan for carrying out the projects, or at least part of the projects, with current funds which have been or can be set aside for that purpose.

(3) If the district school board determines that any portion of the projects cannot be carried out so that all costs can be met from the proceeds of a special district millage voted for that purpose or from district current funds that are not needed for salaries of teachers or other necessary expenses of operating the schools or from such funds that can reasonably be expected to be available by the time the projects are completed, or cannot be completed on the basis of a loan against district current funds, approved in accordance with s. 1011.14, the district school board shall then determine the amount of bonds necessary to be issued to complete the projects as proposed for the district and shall adopt and transmit to the Department of Education a resolution setting forth the proposals with reference to the projects and the proposed plan for financing the projects, said resolution to be in such form and contain such information as may be prescribed by the State Board of Education. If the Department of Education shall determine that the issuance of bonds as proposed is unnecessary or is unnecessary in the amount and according to the plan proposed, and shall notify the district school board accordingly, the district school board shall then

amend its resolution to conform to the recommendation of the Department of Education, and no further action shall be taken for a period of at least 1 year on the proposal for a bond issue unless, within 30 days thereafter, a petition signed by at least 35 percent of the qualified electors within the district is received by the school board requesting that an election be called to vote bonds for the purposes set forth and in an amount which shall not exceed the amount of bonds proposed by the district school board. If such a petition is received by the district school board, as provided herein, or if the resolution proposing a bond issue has been approved by the Department of Education, the school board shall then proceed at its next ensuing meeting to adopt a resolution authorizing that an election be held for the purpose of determining whether bonds shall be issued as proposed.

Section 551. Section 1010.42, Florida Statutes, is created to read:

1010.42 Publication of resolution.--It shall be the duty of the district school board, when the resolution proposing a bond issue has been approved by the Department of Education or when such a proposal has been rejected by the Department of Education and a new petition signed by 35 percent of the qualified electors of the district has been presented, and when the resolution authorizing an election has been adopted as set forth above, to cause such resolution to be published at least once each week for 2 consecutive weeks in some newspaper published in the district. This resolution may also include a notice of election as prescribed in s. 1010.43.

Section 552. Section 1010.43, Florida Statutes, is created to read:

1 1010.43 Notice of election; qualifications of
2 electors.--The district school board shall also, at the
3 meeting at which is passed the resolution provided for in s.
4 1010.41, order that an election shall be held in the school
5 district to determine whether or not there shall be issued by
6 the district the bonds provided for in such resolution, in
7 which election only the duly qualified electors thereof shall
8 vote; and prior to the time of holding such election, the
9 district school board shall cause to be published at least
10 once each week for 2 consecutive weeks in a newspaper
11 published in the district a notice of the holding of such
12 election, which shall specify the time and place or places of
13 the holding thereof. The resolution prescribed in s. 1010.41
14 may be incorporated in and published as a part of the notice
15 prescribed in this section.
16 Section 553. Section 1010.44, Florida Statutes, is
17 created to read:
18 1010.44 Conduct of election; form of ballot;
19 appointment of inspectors; canvassing returns.--The election,
20 provided for in s. 1010.43, shall be held at the place or
21 several places in the district where the last general election
22 was held throughout the district, unless the district school
23 board orders otherwise; and the district school board shall
24 appoint inspectors for the election and cause to be prepared
25 and furnished to the inspectors the ballots to be used at the
26 election; the form of ballots for such election shall be: "For
27 bonds" or "Against bonds." The inspectors shall make returns
28 to the the district school board immediately after the
29 election, and the school board shall hold a special meeting as
30 soon thereafter as practicable for the purpose of canvassing
31 the election returns and shall determine and certify its

result.

Section 554. Section 1010.45, Florida Statutes, is created to read:

1010.45 Result of election held.--If it appears by the result of the election that a majority of the votes cast shall be "For bonds," the district school board shall issue the bonds authorized by the election for the purposes specified in the resolution as published, not to exceed the amount named therein. If the majority of the votes cast shall have been "Against bonds," no bonds shall be issued.

Section 555. Section 1010.46, Florida Statutes, is created to read:

1010.46 If election adverse, no second election within 6 months.--If the result of the election is adverse to the issuance of the bonds, no election shall be held for such purpose within 6 months thereafter. In the event such election shall result or shall have resulted in an equal number of votes being cast for the issuance of the bonds as shall be cast adverse to issuance of bonds, the district school board may call and order another or second election within the district to have determined the question of whether the bonds specified in the original petition and resolution shall be issued by the district, after giving notice as provided for by s. 1010.43, and it shall not be necessary to have presented to the district school board further petitions to order the second election.

Section 556. Section 1010.47, Florida Statutes, is created to read:

1010.47 Receiving bids and sale of bonds.--

(1) If the issuance of bonds is authorized at the election, or if any bonds outstanding against the district are

being refunded, the district school board shall cause notice to be given by publication in some newspaper published in the district that the board will receive bids for the purchase of the bonds at the office of the district school superintendent. The notice shall be published twice and the first publication shall be given not less than 30 days prior to the date set for receiving the bids. The notice shall specify the amount of the bonds offered for sale, shall state whether the bids shall be sealed bids or whether the bonds are to be sold at auction, and shall give the schedule of maturities of the proposed bonds and such other pertinent information as may be prescribed by rules of the State Board of Education. Bidders may be invited to name the rate of interest that the bonds are to bear or the district school board may name rates of interest and invite bids thereon. In addition to publication of notice of the proposed sale as set forth in this subsection, the district school board shall notify in writing at least three recognized bond dealers in the state, and, at the same time, notify the Department of Education concerning the proposed sale and enclose a copy of the advertisement.

(2) All bonds and refunding bonds issued as provided by law shall be sold to the highest and best bidder at such public sale unless sold at a better price or yield basis within 30 days after failure to receive an acceptable bid at a duly advertised public sale, provided that at no time shall bonds or refunding bonds be sold or exchanged at less than par value except as specifically authorized by the Department of Education; and provided, further, that the district school board shall have the right to reject all bids and cause a new notice to be given in like manner inviting other bids for such bonds, or to sell all or any part of such bonds to the State

Board of Education at a price and yield basis that shall not be less advantageous to the district school board than that represented by the highest and best bid received. In the marketing of the bonds the district school board shall be entitled to have such assistance as can be rendered by the Division of Bond Finance, the Commissioner of Education, or any other public state officer or agency. In determining the highest and best bidder for bonds offered for sale, the net interest cost to the school board as shown in standard bond tables shall govern, provided that the determination of the district school board as to the highest and best bidder shall be final.

Section 557. Section 1010.48, Florida Statutes, is created to read:

1010.48 Bidders to give security.--The district school board may require of all bidders for the bonds that they give security by bond or by a deposit to the district school board that the bidder shall comply with the terms of the bid, and any bidder whose bid is accepted shall be liable to the district school board for all damages on account of the nonperformance of the terms of such bid or to a forfeiture of the deposit required by the district school board.

Section 558. Section 1010.49, Florida Statutes, is created to read:

1010.49 Form and denomination of bonds.--The district school board may prescribe the denomination of the bonds to be issued, and such bonds may be issued with or without interest coupons in the discretion of the board. The form of the bonds to be issued may be prescribed by the State Board of Education on the recommendation of the Department of Legal Affairs. The schedule of maturities of the proposed bonds shall be so

arranged that the total payments required each year shall be as nearly equal as practicable. The schedule shall provide that all bonds are to be retired within a period of 20 years from the date of issuance unless a longer period is required and has been specifically approved by the Department of Education. All bonds issued under this section that bear interest in excess of 2.99 percent shall be callable on terms prescribed by the district school board beginning not later than 10 years from the date of issuance.

Section 559. Section 1010.50, Florida Statutes, is created to read:

1010.50 Investment of fiduciary funds in bonds; security for deposit of public funds.--School district bonds authorized and issued under the provisions of this chapter shall be lawful investments for fiduciary and trust funds, including all funds in the control of trustees, assignees, administrators, and executors, and may be accepted as security for all deposits of public funds.

Section 560. Section 1010.51, Florida Statutes, is created to read:

1010.51 Records to be kept and reports to be made.--The district school board shall maintain a complete record of all bonds issued under the provisions of this chapter, which record shall show upon what authority the bonds are issued, the amount for which issued, the persons to whom issued, the date of issuance, the purpose or purposes for which issued, the rate of interest to be paid, and the time and place of payment of each installment of principal and interest. This record shall be so arranged as to show the amount of principal and interest to be paid each year and shall also show the annual or semiannual payments which are

made and the bonds which are canceled. In addition the district school superintendent shall file with the Department of Education in accordance with rules of the State Board of Education reports giving such information as may be required regarding any bonds which may be issued as provided herein.

Section 561. Section 1010.52, Florida Statutes, is created to read:

1010.52 Bonds may be validated; validity of bonds.--When an issue of bonds for any school district shall be authorized in the manner provided under the terms of this chapter, such bonds shall, in the discretion of the district school board, be subject to validation in the manner provided for in chapter 75. In lieu of validation as set forth in that chapter, the district school board may, in its discretion, submit to the Department of Legal Affairs all information relating to the issuance of bonds as provided in said chapter 75, and an approving opinion of the Department of Legal Affairs shall be sufficient evidence that the bonds are valid. Bonds reciting that they are issued pursuant to the terms of this chapter shall, in any action or proceeding involving their validity, be conclusively deemed to be fully authorized thereby, to have been issued, sold, executed, and delivered in conformity therewith, and with all other provisions of law applicable thereto, and shall be incontestable, anything herein or in other statutes to the contrary notwithstanding, unless such action or proceeding is begun before or within 30 days after the date upon which the bonds are sold, paid for and delivered.

Section 562. Section 1010.53, Florida Statutes, is created to read:

1010.53 Proceeds; how expended.--The proceeds derived

from the sale of the bonds shall be held by the district school board and shall be expended by the board for the purpose for which the bonds were authorized for the school district, and shall be held and expended in the manner following:

(1) The district school board shall deposit, or cause to be deposited, the proceeds arising from the sale of each issue of bonds in a separate bond construction fund account in the school depository.

(2) All or any part of the fund derived from the proceeds of any such bond issue that in the judgment of the district school board is not immediately needed may be placed in the following securities maturing not later than the time when the funds are reasonably expected to be needed:

(a) In investments listed in s. 218.415(16).

(b) In any bonds issued by the district; provided, such bonds are not in default and can be obtained at a price which will result in a net saving to the taxpayers of the district.

(c) In any obligations of the district school board approved in accordance with the provisions of ss. 1011.13, 1011.14, and 1011.15.

(d) In any bonds issued by the State Board of Education or another school district.

Section 563. Section 1010.54, Florida Statutes, is created to read:

1010.54 Disposition of surplus of bond issue.--Should there remain any of the proceeds of the sale of school district bonds after the purpose and object for which the bonds were issued shall have been carried out and performed by the district school board, the surplus then shall be held by

the district school board and expended for the exclusive use of the public schools within the school district as the district school board may deem reasonable and proper.

Section 564. Section 1010.55, Florida Statutes, is created to read:

1010.55 Additional bond issues.--After the issuance by any school district of bonds in the manner authorized in this chapter, the qualified electors of the school district may thereafter, from time to time, in the manner herein provided for, authorize one or more additional bond issues as they may determine upon.

Section 565. Section 1010.56, Florida Statutes, is created to read:

1010.56 Board of Administration to act as fiscal agent in issuance and sale of motor vehicle anticipation certificates.--

(1) In aid of the provisions of s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution and the additional provisions of s. 9(d), the State Board of Administration may upon request of the State Board of Education, act as fiscal agent for the State Board of Education in the issuance and sale of any or all bonds or motor vehicle tax anticipation certificates, including any refunding of bonds, certificates or interest coupons thereon which may be issued pursuant to the above cited provisions of the State Constitution and upon request of the State Board of Education the State Board of Administration may take over the management, control, bond trusteeship, administration, custody and payment of any or all debt service or other funds or assets now or hereafter available for any bonds or certificates issued for the purpose of obtaining

funds for the use of any district school board or to pay, fund or refund any bonds or certificates theretofore issued for such purpose. The State Board of Education may from time to time provide by its duly adopted resolution or resolutions the duties said fiscal agent shall perform as authorized by this section and such duties may be changed, modified or repealed by subsequent resolution or resolutions as the State Board of Education may deem appropriate, provided, however, that such changes shall only affect the duties of the State Board of Administration as fiscal agent and shall not affect or modify the paramount constitutional authority of the State Board of Education nor affect, modify, or impair the contract rights of persons holding or owning the obligations so authorized to be issued.

(2) No such bonds or motor vehicle tax anticipation certificates shall ever be issued by the State Board of Administration until after the adoption of a resolution requesting the issuance thereof by the State Board of Education for and on behalf of the district for which the obligations are to be issued.

(3) All such bonds or certificates issued pursuant to this part shall be issued in the name of the State Board of Education but shall be issued for and on behalf of the district school board requesting the issuance thereof and shall be issued pursuant to any rules adopted by the State Board of Education which are not in conflict with the provisions of s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d).

(4) The proceeds of any sale of original bonds or original certificates shall be deposited in the State Treasury

to the credit of the particular construction account for which the original bonds or original certificates were issued and shall be under the direct control and supervision of the State Board of Education, and withdrawals from such construction accounts shall be made only upon warrants signed by the Comptroller and drawn upon the Treasurer. Such warrants shall be issued by the Comptroller only when the vouchers requesting such warrants are accompanied by the certificates of the State Board of Education to the effect that such withdrawals are proper expenditures for the cost of the particular construction account against which the requested warrants are to be drawn.

(5) The State Board of Administration shall annually determine the amounts necessary to meet the debt service requirements of all bonds or certificates administered by it pursuant to this section and shall certify to the State Board of Education said amounts needed. The State Board of Education, upon being satisfied that the amounts are correct, shall pay the amounts direct to the State Board of Administration for application by the State Board of Administration as provided under the terms of the resolutions authorizing the issuance of the bonds or certificates and as provided in s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d).

(6) The expenses of the State Board of Administration incident to the issuance and sale of any bonds or certificates issued under the provisions of the constitution and under the provisions of this section shall be paid from the proceeds of the sale of the bonds or certificates or from the funds distributable to each county under the provisions of s. 18(a),

Art. XII of the Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution. All other expenses of the State Board of Administration for services rendered specifically for, or which are properly chargeable to the account of any bonds or certificates issued for and on behalf of any district school board under the above cited provisions of the State Constitution shall be paid from the funds distributable to each county under the provisions of s. 18(a), Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution; but general expenses of the State Board of Administration for services rendered all the districts alike shall be prorated among them and paid from the funds distributable to each district on the same basis as such funds are distributable under the provisions of s. 18(a), Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution.

(7) The provisions of this section contemplate that it will aid the State Board of Education and better serve the purposes contemplated by s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and not be inconsistent therewith.

Section 566. Section 1010.57, Florida Statutes, is created to read:

1010.57 Bonds payable from motor vehicle license tax funds; instruction units computed.--

(1) For the purpose of administering the provisions of s. 9(d), Art. XII of the State Constitution as amended in 1972, the number of current instruction units in districts shall be computed annually by the Department of Education by

multiplying the number of full-time equivalent students in programs under s. 1011.62(1)(c) in each district by the cost factors established in the General Appropriations Act and dividing by 23, except that all basic program cost factors shall be one, and the special program cost factors for hospital and homebound I and for community service shall be zero. Full-time equivalent membership for students residing in Department of Children and Family Services residential care facilities or identified as Department of Juvenile Justice students shall not be included in this computation. Any portion of the fund not expended during any fiscal year may be carried forward in ensuing budgets and shall be temporarily invested as prescribed by law or rules of the State Board of Education.

(2) Whenever the State Board of Education issues bonds or certificates for and on behalf of any district school board, or whenever any district school board issues bonds or certificates repayable from motor vehicle license tax funds, the aggregate number of instruction units in the district in any future school fiscal year, as authorized under the amendment contained in s. 18, Art. XII of the State Constitution of 1885 as amended and adopted by reference in s. 9(d), Art. XII of the Constitution of 1968, to the full extent necessary to pay all principal of and interest on, and reserves for, bonds or certificates issued for and on behalf of the district or by the district school board in any school fiscal year, as they become due and payable, shall be not less than the aggregate number of instruction units in the district for the school fiscal year preceding the school fiscal year in which the bonds or certificates are issued, computed in accordance with the statutes in force in the school fiscal

year preceding the school fiscal year in which the bonds or certificates are issued.

(3) The provisions of this section are not intended to, and shall not, be applicable to, or confer any rights on, any district to payments from said motor vehicle license taxes except to the full extent necessary to pay all principal of and interest on, and reserves for, bonds or certificates so issued by the district school board and by the State Board of Education for and on behalf of the school districts, in each future school fiscal year as they mature and become due; and except for such purpose, all payments of the amounts of the motor vehicle license taxes distributable under the provisions of s. 18, Art. XII of the State Constitution of 1885 as amended and adopted by reference in s. 9(d), Art. XII of the Constitution of 1968 shall continue to be made and distributed to the districts in the manner provided by the amendment and the general laws of Florida in force and effect at the time of the distributions.

Section 567. Section 1010.58, Florida Statutes, is created to read:

1010.58 Procedure for determining number of instruction units for community colleges.--The number of instruction units for community colleges shall be determined from the full-time equivalent students in the community college, provided that full-time equivalent students may not be counted more than once in determining instruction units. Instruction units for community colleges shall be computed as follows:

(1) One unit for each 12 full-time equivalent students at a community college for the first 420 students and one unit for each 15 full-time equivalent students for all over 420

1 students, in other than career and technical education
2 programs as defined by rules of the State Board of Education,
3 and one unit for each 10 full-time equivalent students in
4 career and technical education programs and compensatory
5 education programs as defined by rules of the State Board of
6 Education. Full-time equivalent students enrolled in a
7 community college shall be defined by rules of the State Board
8 of Education.
9 (2) For each 8 instruction units in a community
10 college, 1 instruction unit or proportionate fraction of a
11 unit shall be allowed for administrative and special
12 instructional services, and for each 20 instruction units, 1
13 instruction unit or proportionate fraction of a unit shall be
14 allowed for student personnel services.
15 Section 568. Section 1010.59, Florida Statutes, is
16 created to read:
17 1010.59 Interest rates.--All bonds issued by the State
18 Board of Education pursuant to the provisions of s. 9(a), Art.
19 XII of the State Constitution, as amended, may bear interest
20 at such rate or rates as may be determined by the State Board
21 of Education. However, the maximum rate of interest shall not
22 exceed the rates authorized under the provisions of s. 215.84.
23 Section 569. Section 1010.60, Florida Statutes, is
24 created to read:
25 1010.60 State Board of Education; issuance of bonds
26 pursuant to s. 11(f), Art. VII, State Constitution.--
27 (1) Pursuant to s. 11(f), Art. VII of the State
28 Constitution, the State Board of Education, supported by the
29 building fee, the capital improvement fee, or any other
30 revenue approved by the Legislature for facilities
31 construction, is authorized to request the issuance of bonds

or other forms of indebtedness pursuant to the State Bond Act to finance or refinance capital projects authorized by the Legislature. In order to take advantage of economic conditions, the Division of Bond Finance shall process requests by the State Board of Education to refinance capital projects under this section on a priority basis.

(2) The State Board of Education may approve the issuance of revenue bonds or other forms of indebtedness by a direct-support organization when such revenue bonds or other forms of indebtedness are used to finance or refinance capital projects which are to provide facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the State Board of Education, and when the project has been approved by the Legislature.

Section 570. Section 1010.61, Florida Statutes, is created to read:

1010.61 Powers.--The State Board of Education shall have all the powers necessary or advisable to carry out and effectuate the purposes and provisions of s. 1010.60 and this part and is hereby authorized:

(1) Pursuant to the State Bond Act, to borrow money and issue interest-bearing revenue certificates or other forms of indebtedness to acquire any projects approved by the Legislature and to provide for the payment of the same and for the rights of the holders thereof as herein provided.

(2) To pledge any trust funds which are available, and not otherwise obligated, for purposes of securing the revenue certificates and to combine such funds as the board may deem appropriate.

(3) To adopt such rules as may be necessary for

carrying out the requirements of this part and to perform all acts and do all things necessary or convenient to carry out the powers granted herein.

Section 571. Section 1010.611, Florida Statutes, is created to read:

1010.611 Resolution for issuance of revenue certificates.--The issuance of revenue certificates under the provisions of this part and the State Bond Act shall be requested by resolution of the State Board of Education. Said revenue certificates shall bear interest at such rate or rates not exceeding the interest rate limitations set forth in s. 215.84(3), provided that certificates may be sold at a reasonable discount to par not to exceed 3 percent, except that this limitation on discount does not apply to the portion of the discount that constitutes original issue discount. The revenue certificates may be issued in one or more series, may bear such date or dates, may be in such denomination or denominations, may mature at such time or times, not exceeding 30 years from their respective dates, may be in such form, either coupon or registered, may carry such registration privileges, may be executed in such manner, may be payable in such medium of payment and at such place or places, may be subject to such terms of redemption, with or without premium, may contain such terms, covenants, and conditions, and may be declared or become due before the maturity date thereof as such resolution or other resolutions may provide. The revenue certificate may be sold at public sale by competitive bid or negotiated sale. Pending the preparation of the definitive certificates, interim receipts or certificates in such form and with such provisions as the board may determine may be issued to the purchaser or purchasers of certificates sold

pursuant to this part. The certificates and interim receipts shall be fully negotiable within the meaning and for all the purposes of the negotiable instruments law.

Section 572. Section 1010.612, Florida Statutes, is created to read:

1010.612 Powers to secure revenue certificates.--The State Board of Education, in connection with the issuance of revenue certificates to acquire any projects for an institution or in order to secure the payment of such revenue certificates and interest thereon, shall have power by resolution:

(1) To fix and maintain fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such projects.

(2) To provide that such revenue certificates shall be secured by a first, exclusive, and closed lien on the income and revenue (but not the real property of such institution) derived from, and shall be payable from, fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project.

(3) To pledge and assign to, or in trust for the benefit of, the holder or holders of such revenue certificates an amount of the income and revenue derived from fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project.

(4) To covenant with or for the benefit of the holder or holders of such revenue certificates that so long as any of such revenue certificates shall remain outstanding and unpaid,

such institution will fix, maintain, and collect in such installments as may be agreed upon an amount of the fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project, which shall be sufficient to pay when due such revenue certificates and interest thereon, and to create and maintain reasonable reserves therefor, and to pay the cost of operation and maintenance of such project, which costs of operation and maintenance shall be determined by the board in its absolute discretion.

(5) To make and enforce and agree to make and enforce parietal rules that shall ensure the use of such project by all students in attendance at such institutions to the maximum extent to which such project is capable of serving such students.

(6) To covenant that so long as any of such revenue certificates shall remain outstanding and unpaid, it will not, except upon such terms and conditions as may be determined:

(a) Voluntarily create or cause to be created any debt, lien, pledge, assignment, encumbrance or other charge having priority to the lien of such revenue certificates upon any of the income and revenues derived from fees, rentals, and other charges from students and others using or being served by, or having the right to use, or having the right to be served by, such project, or

(b) Convey or otherwise alienate such project or the real estate upon which such project shall be located, except at a price sufficient to pay all such revenue certificates then outstanding and interest accrued thereon, and then only in accordance with any agreements with the holder or holders of such revenue certificates.

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(7) To covenant as to the procedure by which the terms of any contract with a holder or holders of such revenue certificates may be amended or abrogated, the amount of percentage of revenue certificates the holder or holders of which must consent thereto, and the manner in which such consent may be given.

(8) To vest in a trustee or trustees the right to receive all or any part of the income and revenue pledged and assigned to, or for the benefit of, the holder or holders of such revenue certificates and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to such revenue certificates; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute events of default and prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of revenue certificates of any specified amount or percentage of such revenue certificate may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate.

(9) To vest in a trustee or trustees or the holder or holders of any specified amount or percentage of revenue certificates the right to apply to any court of competent jurisdiction for and have granted the appointment of a receiver or receivers of the income and revenue pledged and assigned to or for the benefit of the holder or holders of such revenue certificates, which receiver or receivers may have and be granted such powers and duties as such court may order or decree for the protection of the revenue certificate

1 holders.
2 (10) To make covenants with the holders of any bonds
3 and to perform any other duties and responsibilities which are
4 deemed necessary or advisable to enhance the security of such
5 bonds, and the marketability thereof, and which are customary
6 in accordance with the market requirements for the sale of
7 such bonds.
8 Section 573. Section 1010.613, Florida Statutes, is
9 created to read:
10 1010.613 Remedies of any holder of revenue
11 certificates.--Any holder or holders of revenue certificates,
12 including a trustee, or trustees for holders of such revenue
13 certificates, shall have the right, in addition to all other
14 rights, by mandamus or other suit, action, or proceeding in
15 any court of competent jurisdiction to enforce his or her or
16 their rights against the State Board of Education to fix and
17 collect such rentals and other charges adequate to carry out
18 any agreement as to or pledge of such fees, rentals, or other
19 charges, and require the State Board of Education to carry out
20 any other covenants and agreements and to perform its duties
21 under this part.
22 Section 574. Section 1010.614, Florida Statutes, is
23 created to read:
24 1010.614 Validity of revenue certificates.--The
25 revenue certificates bearing the signatures of officers in
26 office on the date of the signing thereof shall be valid and
27 binding obligations, notwithstanding that before the delivery
28 thereof and payment therefor any or all of the persons whose
29 signatures appear thereon shall have ceased to be officers of
30 the State Board of Education. The validity of the revenue
31 certificates shall not be dependent on nor affected by the

validity or regularity of any proceedings to acquire the project financed by the revenue certificates or taken in connection therewith.

Section 575. Section 1010.615, Florida Statutes, is created to read:

1010.615 Prohibitions against obligating state.--Nothing in this part shall be construed to authorize the State Board of Education to contract a debt on behalf of, or in any way to obligate, the state, or to pledge, assign, or encumber in any way, or to permit the pledging, assigning, or encumbering in any way of, appropriations made by the Legislature.

Section 576. Section 1010.616, Florida Statutes, is created to read:

1010.616 Revenue certificate obligations of State Board of Education.--All revenue certificates issued pursuant to this part shall be obligations of the State Board of Education, payable only in accordance with the terms thereof and shall not be obligations general, special, or otherwise of the state. Such revenue certificates shall not be a bond or debt of the state, and shall not be enforceable against the state, nor shall payment thereof be enforceable out of any funds of the board other than the income and revenue pledged and assigned to, or in trust for the benefit of, the holder or holders of such revenue certificates.

Section 577. Section 1010.617, Florida Statutes, is created to read:

1010.617 Tax exemption and eligibility as legal investments.--

(1) The exercise of the powers granted by this part in all respects constitutes the performance of essential public

functions for the benefit of the people of the state. All properties, revenues, or other assets of the State Board of Education for which revenue certificates are issued under this part, and all revenue certificates issued hereunder and the interest thereon, shall be exempt from all taxation by any agency or instrumentality of a county, municipality, or the state. The exemption granted by this section is not applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(2) All obligations issued pursuant to this part shall be and constitute legal investments without limitation for all public bodies and for all banks, savings banks, guardians, insurance funds, trustees, or other fiduciaries and shall be and constitute eligible securities to be deposited as collateral for security of any state, county, municipal, or other public funds.

Section 578. Section 1010.618, Florida Statutes, is created to read:

1010.618 Supplemental nature of part; construction and purpose.--The powers conferred by this part shall be in addition to and supplemental to, and the limitations imposed by this part shall not affect, the powers conferred by any other law, general or special, and revenue certificates may be issued hereunder without any referendum, notwithstanding the provisions of any other such law and without regard to the procedure required by any other such law. Insofar as the provisions of this part are inconsistent with the provisions of any other law, general or special, the provisions of this part shall be controlling.

Section 579. Section 1010.619, Florida Statutes, is created to read:

1 1010.619 Board of Administration to act as fiscal
2 agent.--Prior to the issuance of any revenue certificates, the
3 State Board of Education may request the State Board of
4 Administration to advise the State Board of Education as to
5 the fiscal sufficiency of the proposed issue. Upon sale and
6 delivery of any revenue certificates and disbursement of the
7 proceeds thereof pursuant to this part, the State Board of
8 Administration may upon request of the State Board of
9 Education take over the management, control, administration,
10 custody, and payment of any or all debt services or funds or
11 assets now or hereafter available for any revenue certificates
12 issued pursuant to this part. The State Board of
13 Administration shall upon request of the State Board of
14 Education invest all funds, including reserve funds, available
15 for any revenue certificates issued pursuant to this part in
16 the manner provided in s. 215.47. The State Board of Education
17 may from time to time provide by its duly adopted resolution
18 the duties the State Board of Administration shall perform,
19 and such duties may be changed, modified, or repealed by
20 subsequent resolution as the State Board of Education may deem
21 appropriate.
22 Section 580. Part V of chapter 1010, Florida Statutes,
23 shall be entitled "Trust Funds" and shall consist of ss.
24 1010.70-1010.86.
25 Section 581. Section 1010.70, Florida Statutes, is
26 created to read:
27 1010.70 Educational Enhancement Trust Fund.--Each
28 fiscal year, at least 38 percent of the gross revenue from the
29 sale of lottery tickets and other earned revenue, excluding
30 application processing fees, shall be deposited in the
31 Educational Enhancement Trust Fund as provided in s. 24.121.

1 Section 582. Section 1010.71, Florida Statutes, is
2 created to read:
3 1010.71 State School Trust Fund.--
4 (1) The State School Trust Fund shall be derived from
5 the following sources:
6 (a) The proceeds of all lands that have been or may
7 hereafter be granted to the state by the United States for
8 public school purposes;
9 (b) Donations to the state when the purpose is not
10 specified;
11 (c) Appropriations by the state;
12 (d) The proceeds of escheated property or forfeitures;
13 and
14 (e) Twenty-five percent of the sales of public lands
15 which are now or may hereafter be owned by the state.
16 (2) The land comprising part of the State School Trust
17 Fund shall not be subject to taxes of any kind whatsoever, but
18 shall enjoy constitutional immunity therefrom, nor shall taxes
19 of any kind be imposed thereon; nor, since not subject to tax,
20 shall the state or any state agency be liable for taxes or the
21 equivalent thereof sought to be imposed upon said land. All
22 outstanding tax sale certificates against land of the State
23 School Trust Fund are hereby canceled.
24 Section 583. Section 1010.72, Florida Statutes, is
25 created to read:
26 1010.72 Excellent Teaching Program Trust Fund.--The
27 Excellent Teaching Program Trust Fund is created to be
28 administered by the Department of Education. Funds must be
29 credited to the trust fund as provided in chapter 98-309, Laws
30 of Florida, to be used for the purposes set forth therein.
31 Section 584. Section 1010.73, Florida Statutes, is

created to read:

1010.73 State Student Financial Assistance Trust Fund.--

(1) The State Student Financial Assistance Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund as provided in the General Appropriations Act or similar legislation, to be used for the purposes set forth therein.

(2) The department may transfer into this trust fund general revenue, private donations for the purpose of matching state funds, and federal receipts for scholarships and grant programs. An individual account code shall be established for each funded scholarship and grant program for accountability purposes.

(3) Notwithstanding the provisions of s. 216.301, and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

Section 585. Section 1010.731, Florida Statutes, is created to read:

1010.731 Student Loan Guaranty Reserve Trust Fund.--Chapter 99-35, Laws of Florida, re-created the Student Loan Guaranty Reserve Trust Fund to be used by the Department of Education for the administration of the guaranteed student loan program as provided in s. 1009.92.

Section 586. Section 1010.74, Florida Statutes, is created to read:

1010.74 Educational Certification and Services Trust Fund.--The proceeds from the collection of certification fees, fines, penalties, and costs levied pursuant to s. 1012.59

shall be remitted by the Department of Education to the Treasurer for deposit into and disbursed from the "Educational Certification and Services Trust Fund" as re-created by chapter 99-31, Laws of Florida.

Section 587. Section 1010.75, Florida Statutes, is created to read:

1010.75 Teacher Certification Examination Trust Fund.--The proceeds for the certification examination fee levied pursuant to s. 1012.59 shall be remitted by the Department of Education to the Treasurer for deposit into and disbursed for the "Teacher Certification Examination Trust Fund" as re-created by chapter 99-28, Laws of Florida.

Section 588. Section 1010.76, Florida Statutes, is created to read:

1010.76 Educational Aids Trust Fund.--Chapter 99-27, Laws of Florida, re-created the Educational Aids Trust Fund to administer receipts and disbursements for federal grants received by the Department of Education.

Section 589. Section 1010.77, Florida Statutes, is created to read:

1010.77 Food and Nutrition Services Trust Fund.--Chapter 99-34, Laws of Florida, re-created the Food and Nutrition Services Trust Fund to record revenue and disbursements of Federal Food and Nutrition funds received by the Department of Education as authorized in s. 1006.06.

Section 590. Section 1010.78, Florida Statutes, is created to read:

1010.78 Projects, Contracts, and Grants Trust Fund.--There is created in the Department of Education the Projects, Contracts, and Grants Trust Fund. The personnel employed to plan and administer grants or contracts for

specific projects shall be considered in time-limited employment not to exceed the duration of the grant or until completion of the project, whichever first occurs. Such employees shall not acquire retention rights under the Career Service System. Any employee holding permanent career service status in a Department of Education position who is appointed to a position under the Projects, Contracts, and Grants Trust Fund shall retain such permanent status in the career service position.

Section 591. Section 1010.79, Florida Statutes, is created to read:

1010.79 Sophomore Level Test Trust Fund.--Chapter 99-26, Laws of Florida, re-created the Sophomore Level Test Trust Fund to record revenue and disbursements of examination fees received by the Department of Education as authorized in s. 1008.29.

Section 592. Section 1010.80, Florida Statutes, is created to read:

1010.80 Educational Media and Technology Trust Fund.--Chapter 99-25, Laws of Florida, re-created the Educational Media and Technology Trust Fund to record revenue and disbursements by the Department of Education for the cost of producing and disseminating educational materials and products as authorized in s. 1006.39.

Section 593. Section 1010.81, Florida Statutes, is created to read:

1010.81 Knott Data Center Working Capital Trust Fund.--Chapter 99-29, Laws of Florida, re-created the Knott Data Center Working Capital Trust Fund to record the revenue from fees paid for services provided by the Department of Education's data center and disbursements to pay the costs of

operating the data center as authorized in s. 216.272.

Section 594. Section 1010.82, Florida Statutes, is created to read:

1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws of Florida, re-created the Textbook Bid Trust Fund to record the revenue and disbursements of textbook bid performance deposits submitted to the Department of Education as required in s. 1006.32.

Section 595. Section 1010.83, Florida Statutes, is created to read:

1010.83 Institutional Assessment Trust Fund.--

(1) Chapter 99-32, Laws of Florida, re-created the Institutional Assessment Trust Fund to be administered by the Department of Education pursuant to this section and rules of the State Board of Education. The trust fund shall consist of all fees and fines imposed upon nonpublic colleges and schools pursuant to this chapter, including all fees collected from nonpublic colleges for participation in the common course designation and numbering system. The department shall maintain separate revenue accounts for independent colleges and universities; nonpublic career education; and the Department of Education.

(2) Funds from the trust fund shall be used for purposes including, but not limited to, the following:

(a) Authorized expenses of the respective boards in carrying out their required duties.

(b) Financial assistance programs for students who attend nonpublic institutions licensed by the board.

(c) Educational programs for the benefit of current and prospective owners, administrators, agents, authorized groups of individuals, and faculty of institutions receiving a

license, a certificate of exemption, or an authorization by the board.

(d) Authorized expenses of the Department of Education incurred as a result of the inclusion of nonpublic colleges in the statewide course numbering system.

(3) The board may utilize other individuals or entities to administer the programs authorized in subsection (2).

Section 596. Section 1010.84, Florida Statutes, is created to read:

1010.84 Displaced Homemaker Trust Fund.--Chapter 99-33, Laws of Florida, re-created the Displaced Homemaker Trust Fund to record revenue and disbursements from fees as authorized in s. 446.50.

Section 597. Section 1010.85, Florida Statutes, is created to read:

1010.85 Phosphate Research Trust Fund.--Chapter 99-45, Laws of Florida, re-created the Phosphate Research Trust Fund to record the revenue and disbursements from tax on severance of phosphate rock as provided in s. 211.3103.

Section 598. Section 1010.86, Florida Statutes, is created to read:

1010.86 Administration of capital improvement and building fees trust funds.--The State Board of Education shall administer the Capital Improvement Fee Trust Fund and the Building Fee Trust Fund which include receipts from capital improvement and building student fee assessments, interest earnings, and subsidy grants. All funds, except those to be used for debt service payments, reserve requirements, and educational research centers for child development, pursuant to s. 1011.48, shall be used to fund projects appropriated by

the Legislature. Projects funded pursuant to this section may be expanded by the use of supplemental funds such as grants, auxiliary enterprises, private donations, and other nonstate sources.

Section 599. Chapter 1011, Florida Statutes, shall be entitled "Planning and Budgeting" and shall consist of ss. 1011.01-1011.93.

Section 600. Part I of chapter 1011, Florida Statutes, shall be entitled "Preparation, Adoption, and Implementation of Budgets" and shall consist of ss. 1011.01-1011.57.

Section 601. Section 1011.01, Florida Statutes, is created to read:

1011.01 Budget system established.--

(1) The State Board of Education shall prepare and submit a coordinated K-20 education annual legislative budget request to the Governor and the Legislature on or before the date provided by the Governor and the Legislature. The board's legislative budget request must clearly define the needs of school districts, community colleges, universities, other institutions, organizations, programs, and activities under the supervision of the board and that are assigned by law or the General Appropriations Act to the Department of Education.

(2) There shall be established in each school district, community college, and university a budget system as prescribed by law and rules of the State Board of Education.

(3) Each district school board, each community college board of trustees, and each state university board of trustees shall prepare, adopt, and submit to the Commissioner of Education for review an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the

General Appropriations Act, and for district school boards in accordance with the provisions of ss. 200.065 and 1011.64.

Section 602. Section 1011.011, Florida Statutes, is created to read:

1011.011 Legislative capital outlay budget request.--The State Board of Education shall submit an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities pursuant to this section and 1013.46 and applicable provisions of chapter 216.

Section 603. Section 1011.012, Florida Statutes, is created to read:

1011.012 Annual capital outlay budget.--

(1) Each district school board, community college board of trustees, and university board of trustees shall, each year, adopt a capital outlay budget for the ensuing year in order that the capital outlay needs of the board for the entire year may be well understood by the public. This capital outlay budget shall be a part of the annual budget and shall be based upon and in harmony with the educational plant and ancillary facilities plan. This budget shall designate the proposed capital outlay expenditures by project for the year from all fund sources. The board may not expend any funds on any project not included in the budget, as amended.

(2) Each district school board must prepare its tentative district facilities work program as required by s. 1013.35 before adopting the capital outlay budget.

Section 604. Part I.a. of chapter 1011, Florida Statutes, shall be entitled "District School Boards: Preparation, Adoption, and Implementation of Budgets" and

shall consist of ss. 1011.02-1011.24.

Section 605. Section 1011.02, Florida Statutes, is created to read:

1011.02 District school boards to adopt tentative budget.--

(1) On or before the date prescribed in rules of the State Board of Education, each district school board shall receive and examine the tentative budget submitted by the district school superintendent, and shall require such changes to be made, in keeping with the purposes of the school code, as may be to the best interest of the school program in the district.

(2) The district school board shall determine, within prescribed limits, the reserves to be allotted for contingencies, and the cash balance to be carried forward at the end of the year. If the district school board shall require any changes to be made in receipts, in the reserves for contingencies, or in the cash balance to be carried forward at the end of the year, it shall also require necessary changes to be made in the appropriations for expenditures so that the budget, as changed, will not contain appropriations for expenditures and reserves in excess of, or less than, estimated receipts and balances.

(3) The proposed budget shall include an amount for local required effort for current operation, in accordance with the requirements of s. 1011.62(4).

(4) When a tentative budget has been prepared in accordance with rules of the State Board of Education, the proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each of the parts thereof shall balance.

(5) The district school board shall adopt a tentative budget.

Section 606. Section 1011.03, Florida Statutes, is created to read:

1011.03 Public hearings; budget to be submitted to Department of Education.--

(1) Each district school board must cause a summary of its tentative budget, including the proposed millage levies as provided for by law, and graphs illustrating a historical summary of financial and demographic data, to be advertised at least one time as a full-page advertisement in the newspaper with the largest circulation published in the district or to be posted at the courthouse door if there be no such newspaper.

(2)(a) The advertisement must include a graph illustrating the historical summary of financial and demographic data for each of the following data values which shall be plotted along the vertical axis of each graph:

1. Total revenue provided to the school district from all sources for the corresponding fiscal year, including all federal, state, and local revenue.

2. Total revenue provided to the school district for the corresponding fiscal year for current operations.

3. Total revenue provided to the school district for the corresponding fiscal year for fixed capital outlay projects.

4. Total revenue provided to the school district for the corresponding fiscal year for debt service.

5. Total number of unweighted full-time equivalent students, inclusive of all programs listed in s. 1011.62.

6. Total revenue provided to the school district for

current operations divided by the number of unweighted full-time equivalent students for the corresponding fiscal year.

7. Total number of employees of the school district for the corresponding fiscal year.

8. Total number of employees of the school district classified as instructional personnel under s. 1012.01 for the corresponding fiscal year.

(b) Each graph must include a separate histogram corresponding to the financial and demographic data for each of the following fiscal years, which shall be plotted along the horizontal axis of each graph:

1. Current fiscal year.

2. Fiscal year that is 5 years before the current fiscal year.

3. Fiscal year that is 10 years before the current fiscal year.

(c) The numeric value of the financial and demographic data corresponding to each histogram must be included in each graph.

(3) The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement:

"This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school

year. In order to achieve the legislatively required level of classroom expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: (list activities and amount budgeted)."

(4) The advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065. The State Board of Education may adopt rules necessary to provide specific requirements for the format of the advertisement.

(5) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The district school board shall then require the superintendent to transmit forthwith two copies of the adopted budget to the Department of Education for approval as prescribed by law and rules of the State Board of Education.

Section 607. Section 1011.04, Florida Statutes, is created to read:

1011.04 Levying of taxes.--

(1) Upon receipt of the certificate of the property appraiser giving the assessed valuation of the county and of each of the special tax school districts pursuant to s. 200.065, the district school board shall determine by resolution the amounts necessary to be raised for current operating purposes and for each district bond interest and

sinking fund and the millage necessary to be levied for each such fund, including the voted millage. A certified copy of the resolution shall thereupon be filed with the county property appraiser, and the district school board shall also order the property appraiser to assess the several millages certified by the school board against the appropriate taxable property in the school district.

(2) The property appraiser shall then assess the taxes as ordered by the district school board. Tax millages so assessed shall be clearly designated and separately identified as to source on the tax bill for other county taxes.

(3) The collector shall collect said taxes and pay over the same promptly as collected to the district school depository or depositories to be used as provided by law; provided, that all taxes authorized herein shall be assessed and collected on railroad, street railroad, sleeping car, parlor car, and telegraph company property in the manner now provided by law.

Section 608. Section 1011.05, Florida Statutes, is created to read:

1011.05 Implementation of the official budget.--The official budget shall give the appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized. However, if the actual receipts during any year are less than budgeted receipts, and any obligations are thereby incurred which cannot be met before the close of the year, such obligations shall be paid and accounted for in the ensuing fiscal year in the manner prescribed by rules of the State Board of Education and shall be payable out of the first funds available for that purpose.

Section 609. Section 1011.06, Florida Statutes, is created to read:

1011.06 Expenditures.--

(1) Expenditures shall be limited to the amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and rules of the State Board of Education. The school board shall endeavor to obtain maximum value for all expenditures.

(2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.--Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the district school board. A district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board approves the expenditure and amends the budget within timelines established by school board policies.

Section 610. Section 1011.07, Florida Statutes, is created to read:

1011.07 Internal funds.--

(1) The district school board shall be responsible for the administration and control of all local school funds derived by any public school from all activities or sources, and shall prescribe the principles and procedures to be followed in administering these funds consistent with regulations adopted by the State Board of Education.

(2) The State Board of Education shall adopt rules governing the procedures for the recording of the receipts, expenditures, deposits, and disbursements of internal funds.

Section 611. Section 1011.08, Florida Statutes, is

created to read:

1011.08 Expenditures between July 1 and date budget becomes official.--During the period from July 1 to the date the tentative budget becomes official, district school boards are authorized to approve ordinary expenditures, including salary payments, which are necessary for the approved school program.

Section 612. Section 1011.09, Florida Statutes, is created to read:

1011.09 Expenditure of funds by district school board.--All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the district school board subject to the provisions of law and rules of the State Board of Education.

(1) A district school board shall credit interest or profits on investments to the specific budgeted fund, as defined by the accounting system required by s. 1010.01, that produced the earnings unless otherwise authorized by law or rules of the State Board of Education.

(2) A district school board may temporarily advance moneys from one fund, as defined by the accounting system required by s. 1010.01, to another fund when insufficient moneys are available to meet current obligations if the temporary advancement is repaid within 13 months, appropriate accounting records are maintained, and the temporary advancement does not restrict, impede, or limit implementation or fulfillment of the original purposes for which the moneys were received in the fund providing the advancement.

(3) Funds expended from school nonrecurring incentives or bonus type state or federal funded programs based on

performance outcomes may not be used for measuring compliance with state or federal maintenance of effort, supplanting, or comparability standards.

Section 613. Section 1011.10, Florida Statutes, is created to read:

1011.10 Penalty.--

(1) Any member of a district school board or any district school superintendent who violates the provisions of this section commits malfeasance and misfeasance in office and shall be subject to removal from office by the Governor, and any contract or attempted contract entered into by any school officer or subordinate school officer that is not within the purview or in violation of the provisions of this section shall be void, and no such contract or attempted contract shall be enforceable in any court.

(2) Each member of any district school board voting to incur an indebtedness against the district school funds in excess of the expenditure allowed by law, or in excess of any appropriation as adopted in the original official budget or amendments thereto, or to approve or pay any illegal charge against the funds, and any chair of a district school board or district school superintendent who signs a warrant for payment of any such claim or bill of indebtedness against any of the funds shall be personally liable for the amount, and shall be guilty of malfeasance in office and subject to removal by the Governor. It shall be the duty of the Auditor General, other state officials, or independent certified public accountants charged by law with the responsibility for auditing school accounts, upon discovering any such illegal expenditure or expenditures in excess of the appropriations in the budget as officially amended, to certify such fact to the Department of

Banking and Finance, which thereupon shall verify such fact and it shall be the duty of the Department of Banking and Finance to advise the Department of Legal Affairs thereof, and it shall be the duty of the Department of Legal Affairs to cause to be instituted and prosecuted, either through its office or through any state attorney, proceedings at law or in equity against such member or members of a district school board or district school superintendent. If either of the officers does not institute proceedings within 90 days after the audit has been certified to them by the Department of Banking and Finance, any taxpayer may institute suit in his or her own name on behalf of the district.

Section 614. Section 1011.11, Florida Statutes, is created to read:

1011.11 Certain provisions to be directory.--No irregularities of form or manner in the preparation or adoption of any budget under the provisions of this chapter shall invalidate either the budget adopted or the taxes levied therefor. However, the budget and the taxes levied must conform substantially to the principles and provisions of law and rules of the State Board of Education.

Section 615. Section 1011.12, Florida Statutes, is created to read:

1011.12 Purposes of and procedures in incurring school indebtedness.--Indebtedness for school purposes may be incurred only as follows:

(1) School districts may issue bonds creating a long-term indebtedness as prescribed by law.

(2) Notes may be issued for money borrowed in anticipation of the receipt of current school funds, included in the budget from the state, county, or districts, as

authorized under s. 1011.13.

(3) Indebtedness may be incurred for certain purposes as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

(4) Bonds or revenue certificates issued on behalf of the district by the State Board of Education as authorized by s. 18, Art. XII of the State Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d), Art. XII of said revision.

Section 616. Section 1011.13, Florida Statutes, is created to read:

1011.13 Current loans authorized under certain conditions.--Except as provided in subsection (2), for any fiscal year in which school funds are estimated to be insufficient at any time during that fiscal year to pay obligations created by the district school board in accordance with the official budget of the district, or a budget approved by the district school board which is prepared preliminarily to the tentative budget required by this chapter, the school board is authorized to negotiate a current loan to pay these obligations, providing for the repayment of that loan from the proceeds of revenues reasonably to be anticipated during the fiscal year in which the loan is made as prescribed below. However, the district school board shall, whenever possible, so arrange its expenditures as to make the incurring of current loans unnecessary. When it is deemed necessary for the benefit of the schools of the district for a current loan to be negotiated, the school board shall arrange for a loan in an amount not violative of federal arbitrage regulations and for the repayment of the loan, in accord with the other provisions of this section.

(1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT

CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING FUNDS.--

(a) District school boards are authorized and empowered to borrow money, to be retired from the district tax receipts anticipated in the operating budget, the district capital projects budget, and the debt service budget, at a rate of interest not to exceed the rate authorized under the provisions of s. 215.84, for the purpose of paying all outstanding obligations and for the further purpose of paying any and all lawful expenses incurred in operating the schools of the district. However, it is unlawful for any district school board to borrow any sum of money in any one year in excess of 80 percent of the amount as estimated by it in the official budget for the current fiscal year for the district to be available from the district tax. The sum so borrowed shall be paid in full before the school board is authorized to borrow money in any succeeding year.

(b) Nothing in paragraph (a) shall be construed to invalidate any outstanding debt of any district as now existing and now due, or to become due, or as requiring any school board to pay the same in full before being permitted to borrow 80 percent on the estimate for the next ensuing year.

(c) In the event that the county tax roll is subjected to litigation and the tax collector is prevented from collecting taxes on that roll, the following provisions shall apply:

1. The restriction of 80 percent in paragraph (b) shall not apply if the collection of taxes is delayed beyond May 1.

2. District school boards are authorized and empowered to borrow money, to be repaid from the district school fund

for operating purposes, the district capital projects funds, and the district interest and sinking funds, at a rate not to exceed the rate authorized under the provisions of s. 215.84, for the purposes of paying any and all lawful operating expense, capital expense, and required debt service necessary for the outstanding bond issues of such districts at the times that the funds are needed to prevent the bonds or interest payments from being in default. However, the amount of money so borrowed shall be limited to the amount of the district school fund and district interest and sinking fund tax receipts included in the official school budget for that year or the amount necessary to be borrowed to meet such obligations, whichever amount is the lesser. Any funds borrowed pursuant to the authority of this subsection shall, insofar as possible, be repaid during the fiscal year in which the loan was made. However, any such loan unpaid at the end of the fiscal year shall be repaid from the first available revenue in the next succeeding year.

(2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

(a) A district school board is also authorized to negotiate a current loan before the end of the fiscal year, the note or notes from which loan shall be issued no earlier than 60 days before the beginning of the subsequent fiscal year, to be repaid during the subsequent fiscal year from the proceeds of revenue reasonably anticipated to be received during that year. The proceeds of any loan obtained pursuant to this subsection shall be limited, and the district school board shall take any and all action necessary, to assure that the Internal Revenue Code and the regulations promulgated thereunder are not violated.

(b) Loans arranged pursuant to this subsection shall

be negotiated in accordance with a budget approved by the district school board which is prepared preliminarily to the tentative budget required by this chapter. Such loans shall be at a rate of interest not to exceed the rate of interest authorized under the provisions of s. 215.84 and shall not be in excess of amounts authorized under the Internal Revenue Code for arbitrage.

(c) The proceeds of any loan obtained pursuant to this subsection, or any interest earnings thereon, shall not be used to pay any expenses incurred in the fiscal year in which the loan is made; nor shall the proceeds of the loan or interest earnings thereon be in any way encumbered to pay expenses incurred in the fiscal year in which the loan is made, but shall be held in escrow until the subsequent fiscal year. Any outstanding loan issued pursuant to subsection (1) must be defeased not less than 5 business days prior to the issuance of any obligation pursuant to this subsection. All proceeds of any loan obtained pursuant to this subsection, and any interest earnings thereon, shall be placed at closing in an irrevocable escrow account and held until the beginning of the subsequent fiscal year. The district school board shall maintain the integrity of such loan proceeds and related interest in its accounting records so as to be able to validate compliance with the provisions of this paragraph.

Section 617. Section 1011.14, Florida Statutes, is created to read:

1011.14 Obligations for a period of 1 year.--District school boards are authorized only under the following conditions to create obligations by way of anticipation of budgeted revenues accruing on a current basis without pledging the credit of the district or requiring future levy of taxes

for certain purposes for a period of 1 year; however, such obligations may be extended from year to year with the consent of the lender for a period not to exceed 4 years, or for a total of 5 years including the initial year of the loan:

(1) PURPOSES.--The purposes for which such obligations may be incurred within the intent of this section shall include only the purchase of school buses, land, and equipment for educational purposes; the erection of, alteration to, or addition to educational facilities; and the adjustment of insurance on educational property on a 5-year plan, as provided by rules of the State Board of Education.

(2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING YEAR.--No obligation of the nature prescribed herein may be incurred by any district school board when such proposed obligations exceed one-fourth of the revenue received during the preceding year for the district school fund for operating expense of the district.

(3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the district school board proposes to incur obligations of the nature authorized in this section, it shall adopt and spread upon its minutes a resolution giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year.

(4) INTEREST-BEARING NOTES AUTHORIZED.--Each district school board which has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall

provide the terms of payment and shall not bear interest in excess of the rate authorized under the provisions of s. 215.84. No additional obligations of a similar nature may be incurred against the funds of any school district when notes authorized under this subsection are still outstanding and unpaid when such proposed obligations together with the unpaid notes outstanding exceed one-fourth of the revenue of the preceding year, as defined in subsection (2).

Section 618. Section 1011.15, Florida Statutes, is created to read:

1011.15 Obligations to eliminate major emergency conditions.--The district school board of any district experiencing a major emergency condition in an existing school plant that demands immediate correction in order to prevent further damage to the building or equipment or to eliminate a safety hazard that constitutes an immediate danger to the students and other occupants is authorized to create an obligation for a period of 1 year by way of anticipation of revenues for capital outlay purposes accruing on a current basis without pledging the credit of the district. Such obligation may be extended from year to year with the consent of the lender for a period not to exceed 4 years, or for a total of 5 years including the initial year of the loan. Obligations occurring under this section may be repaid from funds to be received from taxes authorized by s. 1011.71(2) and from any other funds available to the district school board for the purpose under the following conditions:

(1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the district school board proposes to incur obligations of the nature authorized in this section, it shall adopt and spread upon its minutes a resolution fully describing the emergency

condition outlined above, giving the nature of the obligations to be incurred, stating the plan of payment, and providing that such funds will be budgeted during the period of the loan from the current revenue to retire the obligations maturing during the year. This plan of payment shall not extend over a period longer than 1 year.

(2) INTEREST-BEARING NOTES AUTHORIZED.--Each district school board which has authorized the incurring of the obligations as provided in this section shall issue interest-bearing notes for the obligations. The notes shall provide the terms of payment and shall not bear interest in excess of the rate authorized in s. 1010.59.

Section 619. Section 1011.16, Florida Statutes, is created to read:

1011.16 Provisions for retirement of existing indebtedness which is unfunded or in default.--In any district in which there is any indebtedness outstanding against the district school fund which has not yet been funded, or at any time any such indebtedness is in default as to principal or interest, the district school board shall proceed as follows:

(1) PLAN FOR RETIRING INDEBTEDNESS TO BE PROPOSED.--The district school board shall prepare and propose a plan for retiring any unfunded indebtedness or any such indebtedness which is in default so that no creditor having a valid claim will be given a preferred status. This plan shall be so prepared as to show the funds needed for operating the schools on the most economical basis practicable, the amount of any other obligations which must be met each year, the total funds available each year for the entire school program, and the funds that can reasonably be spared for retirement of indebtedness without needlessly handicapping the school

program and which can be budgeted each year for the retirement of such indebtedness.

(2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF EDUCATION.--The proposal for funding and retiring all such indebtedness, when approved by the district school board, shall be submitted to the Department of Education for consideration. The district school board shall not attempt to retire any such indebtedness until this procedure has been followed and until it has had the benefit of the recommendations of the department. Upon receiving the proposal, the department shall determine the minimum funds which are, in its opinion, necessary for the operation of the school program in the district; shall determine what funds remain for retirement of indebtedness each year; shall determine whether the proposed plan is in accordance with these facts, and, if it is not, shall propose modifications in the plan in accordance with the facts. The recommendations of the department shall then be submitted to the district school board for consideration.

(3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring indebtedness, herein prescribed, shall become effective when the district school board and the Department of Education jointly agree upon the amount of funds necessary for operating the schools and the amount which can be budgeted each year for retiring indebtedness. When this plan has been agreed upon, it shall become the duty of the district school board to see that the amount approved for retiring indebtedness is incorporated in the budget each year, and the department shall see that this amount has been incorporated before the budget is approved, or, if such an amount can not reasonably be incorporated in the budget, as shown by evidence submitted by

the district school board, determine the respects in which the plan should be modified, and to see that the budget includes the amount for retiring indebtedness which can reasonably be included.

(4) FUNDING OUTSTANDING INDEBTEDNESS.--

(a) Each district school board having an outstanding indebtedness legally incurred and constituting an obligation or obligations payable from the district school fund is authorized to issue and sell interest-bearing coupon warrants in a sum or sums not to exceed the total amount of such indebtedness. Such coupon warrants shall bear interest at a rate not to exceed the rates authorized under the provisions of s. 215.84, shall be payable either annually or semiannually, and shall be in such form and denomination as the district school board issuing the same shall prescribe. None of such warrants shall be issued to run for a longer period of time than 10 years from the date of issue. Such warrants shall be numbered consecutively, beginning with number one, and each warrant shall have attached thereto interest coupons, each coupon bearing the number of its warrant and representing or calling for an annual or semiannual, as the case may be, payment of interest on its warrant.

(b) Each such warrant shall be signed by the chair and attested by the secretary of the district school board issuing the same, and shall have the seal of the district school board affixed thereto, and the interest coupons attached thereto shall be signed by, or bear the printed or lithographed facsimile signature of the chair and secretary. Each warrant and interest coupon shall be dated and shall bear the due date. Such warrants and interest coupons shall be issued upon,

and payable from, the fund designated on the face thereof. The fund so designated shall be the district school fund. All funds derived from the sale of interest-bearing coupon warrants, as herein provided, shall be used for the purpose of retiring the indebtedness for payment of which the warrants were issued, and for no other purpose, and any funds remaining from the sale of such warrants shall be applied to retiring the interest-bearing coupon warrants from which such funds were derived.

(5) FUNDING OR REFUNDING OTHER TYPES OF INDEBTEDNESS.--Any proposed plan for refunding any type of outstanding and legally incurred school indebtedness, not covered by this section, shall be submitted to the Department of Education for approval under rules of the State Board of Education. No such indebtedness may be refunded and no plan for refunding such indebtedness may be approved, unless the plan provides for retiring the indebtedness in reasonably equal annual installments over the period of years covered, unless other obligations to be retired during any of these years make adjustments necessary. No indebtedness of any type may be refunded on a sinking fund basis. The district school board shall provide that all refunding warrants, notes, or bonds shall be callable, upon proper notice, beginning not more than 10 years following the date of refunding. If any indebtedness outstanding against the county or district current school funds cannot be retired over a period of 10 years as prescribed in this section, or cannot be funded or refunded by issuing interest-bearing coupon warrants, the Department of Education is authorized to cooperate with the school officials of the district in developing a practicable plan for refunding such indebtedness and, when such a plan has

been developed, may approve an agreement with the district school officials for refunding such indebtedness to be retired over a period of time which shall not exceed a maximum of 20 years; and, if necessary, for refunding the indebtedness by issuing interest-bearing notes. Any funding or refunding obligations issued, as prescribed herein, are not and shall not be deemed to be additional bonds within the meaning of the Constitution and laws of Florida, and it shall not be necessary for such obligations to be submitted to, or approved by, a vote of the people of the district. In preparing and carrying out such a plan for funding or refunding the school indebtedness, the district school board and the district school superintendent shall follow the procedures prescribed in this section, supplemented by rules of the State Board of Education, except for the modifications which are herein authorized.

Section 620. Section 1011.17, Florida Statutes, is created to read:

1011.17 School funds to be paid to Treasurer or into depository.--

(1) Every tax collector, or other person having moneys which by law go to any district school fund shall at least once each month pay the same over to the depository or depositories designated by the district school board for such purpose, and shall provide said board with confirmation of the deposit. Every officer having moneys which by law go to any state school fund, shall pay the same to the Treasurer of the state, and the Treasurer shall see that these moneys are deposited to the credit of the proper state school fund.

(2) The district school board shall have the authority to designate that funds due it be placed for investment for

its account with the State Board of Administration rather than be deposited, and said board may direct those persons having moneys due it or due any state school fund to pay out such funds to the State Board of Administration to make authorized investments for its account.

Section 621. Section 1011.18, Florida Statutes, is created to read:

1011.18 School depositories; payments into and withdrawals from depositories.--

(1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The tax collector, the clerk of the circuit court, the superintendent, and all other persons having, receiving, or collecting any money payable to the school district shall promptly pay the same to the bank or banks selected by the district school board to receive funds for that purpose. No bank shall be so selected unless it is qualified as an approved depository as provided by law. Each bank receiving any school money as provided herein shall make a receipt for same.

(2) INVESTMENT OF FUNDS DUE.--The district school board shall have the authority to designate that funds due it be placed for investment for its account with the State Board of Administration rather than be deposited, and the district school board may direct those persons having moneys due it or due any state school fund to pay out such funds to the State Board of Administration to make authorized investments for its account.

(3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING ACCOUNTS PROHIBITED.--The district school board shall require an accurate and complete set of accounts to be maintained in the books and records for each fund on deposit in each

district school depository. Each such account shall show the amount subject to withdrawal, the amount deposited, the amount expended, and the balance of the account. In compliance with the provisions of this subsection, a district school board may maintain a separate checking account for each such fund or may utilize a single checking account for the deposit and withdrawal of moneys from all funds and segregate the various funds on the books and records only. No check or warrant shall be drawn in excess of the balance to the credit of the appropriate fund. The funds awaiting clearing may be invested in an approved county depository in instruments earning interest, such as repurchase agreements, savings accounts, etc. If repurchase agreements are involved, United States Treasury securities or GNMA's must be pledged as collateral for an amount to exceed the principal, interest, and a reasonable safety margin for protection against date-to-date price fluctuation.

(4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money drawn from any district school depository holding same as prescribed herein shall be upon a check or warrant drawn on authority of the district school board as prescribed by law. Each check or warrant shall be signed by the chair or, in his or her absence, the vice chair of the district school board and countersigned by the district school superintendent, with corporate seal of the school board affixed. However, as a matter of convenience, the corporate seal of the district school board may be printed upon the warrant and a proper record of such warrant shall be maintained. The district school board may by resolution, a copy of which must be delivered to the depository, provide for internal funds to be withdrawn from any district depository by a check duly signed

by at least two bonded school employees designated by the board to be responsible for administering such funds. However, the district school superintendent or his or her designee, after having been by resolution specifically authorized by the district school board, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets. Such transfer may be made by electronic, telephonic, or other medium; and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee.

(5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The district school board is authorized to establish the form or forms of warrants, which are to be signed by the chair or, in his or her absence, the vice chair of the district school board and countersigned by the district school superintendent, for payment or disbursement of moneys out of the school depository and to change the form thereof from time to time as the district school board deems appropriate. If authorized in writing by the payee, such district school board warrants may provide for the direct deposit of funds to the account of the payee in any financial institution that is designated in writing by the payee and that has lawful authority to accept such deposits. The written authorization of the payee must be filed with the district school board. Direct deposit of funds may be by any electronic or other medium approved by the district school board for such purpose. The State Board of Education shall adopt rules prescribing minimum security measures that must be implemented by any district school board

before establishing the system authorized in this subsection.

(6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

(a) Each district school board is authorized to contract with an approved service organization to provide self-insurance services, including, but not limited to, the evaluation, settlement, and payment of self-insurance claims on behalf of the district school board. Pursuant to such contract, the district school board may advance money to the service organization to be deposited in a special checking account for paying claims against the district school board under its self-insurance program. The special checking account shall be maintained in a designated district school depository. The district school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chair of the district school board and countersigned by the district school superintendent. Such replenishment may be made by electronic, telephonic, or other medium, and each transfer shall be confirmed in writing and signed by the superintendent or his or her designee.

(b) The district school board may contract with an insurance company or professional administrator who holds a valid certificate of authority issued by the Department of Insurance to provide any or all services that a third-party administrator is authorized by law to perform. Pursuant to such contract, the district school board may advance or remit money to the administrator to be deposited in a designated special checking account for paying claims against the

district school board under its self-insurance programs, and remitting premiums to the providers of insured benefits on behalf of the district school board and the participants in such programs, and otherwise fulfilling the obligations imposed upon the administrator by law and the contractual agreements between the district school board and the administrator. The special checking account shall be maintained in a designated district school depository. The district school board may replenish such account as often as necessary upon the presentation by the service organization of documentation for claims or premiums due paid equal to the amount of the requested reimbursement. Such replenishment shall be made by a warrant signed by the chair of the district school board and countersigned by the district school superintendent. Such replenishment may be made by electronic, telephonic, or other medium, and each transfer shall be confirmed in writing and signed by the district school superintendent or his or her designee. The provisions of strict accountability of all funds and an annual audit by an independent certified public accountant as provided in s. 1001.42(10)(k) shall apply to this subsection.

Section 622. Section 1011.19, Florida Statutes, is created to read:

1011.19 Sources of district school fund.--The district school fund shall consist of funds derived from the district school tax levy; state appropriations; appropriations by county commissioners; local, state, and federal school food service funds; any and all other sources for school purposes; national forest trust funds and other federal sources; and gifts and other sources.

Section 623. Section 1011.20, Florida Statutes, is

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created to read:

1011.20 Apportionment and use of district school fund.--The district school fund shall be apportioned, expended and disbursed in the district solely for the support of the public schools of the district as prescribed by law; provided, however, that the district school fund shall also be used to pay the principal and interest on bonds legally issued and payable from said fund, together with other proper items of debt service against such fund, including any necessary refunding expense as prescribed by rules of the State Board of Education. The district school board shall, before the maturity of such bonds or other indebtedness and before interest due dates, deposit with the paying agent or make available, as designated in the resolution authorizing the issuance of the bonds or other legal evidences of indebtedness, sufficient funds with which to pay all principal and interest when due; provided, that when such funds have been so deposited with the paying agent or made available, all interest on the indebtedness represented by the maturing bonds, coupons or other evidences of indebtedness shall cease as of their maturity dates; and provided, further, that if any such bonds, coupons or other evidences of indebtedness are not presented for payment within 6 months after the date on which they mature, the funds shall be returned to the district school board and shall be placed by said board in the district school fund and the district school board shall pay said bonds, coupons or other evidences of indebtedness from said fund when presented for payment. Any holder of bonds, coupons or other indebtedness claiming interest after maturity on account of the fact that funds were not deposited with the paying agent or made available to pay such bonds, coupons or

other indebtedness at maturity, shall be required to produce evidence in the form of a letter from the paying agent or the district school board, respectively, acknowledging that the bonds, coupons and other evidences of indebtedness upon which interest is claimed were presented for payment, that no funds were available for the payment thereof, that such bonds, coupons and other evidences of indebtedness were presented for payment at least annually thereafter and that no funds were available to pay such indebtedness. The paying agent or the district school board, whichever has the duty of holding the funds, shall, upon request of the holder of defaulted bonds, coupons or other evidences of indebtedness, furnish to such holder the letter required herein. When such evidence is presented the district school fund shall be liable for the payment of principal and interest on the bonds, coupons or other evidences of indebtedness from maturity until paid at the rate prescribed on the face thereof. If at any time any bonds, coupons or other evidences of indebtedness are reduced to judgment, the district school fund shall be responsible for past due interest only at the rate prescribed by the bonds or other evidences of indebtedness and any rate of interest in excess of that amount shall be illegal and invalid. Such judgments shall bear interest at the rate of 5 percent per annum until paid. When any proposal for refunding the indebtedness against said district school fund has been prepared and approved by the State Board of Education, as required by law, and when the holders of at least 80 percent of the outstanding indebtedness against said fund have agreed in writing to the refunding plan, the district school board shall be authorized to pay, out of the district school fund, from and after that date, on the original and refunding bonds

or other evidences of indebtedness only the rate of interest which has been agreed upon for the refunding bonds or other evidences of indebtedness and no owner or holder of a bond, coupon or other evidence of indebtedness shall be entitled to a higher rate of interest after that date; provided, that such owner or holder shall be given the option by the district school board of receiving payment in cash for all principal and interest due on the bonds and coupons or other evidence of indebtedness he or she holds at the same rate at which the remaining indebtedness has been refunded.

Section 624. Section 1011.21, Florida Statutes, is created to read:

1011.21 Source and use of district interest and sinking fund.--The district interest and sinking fund of any school district shall comprise the proceeds of the tax levied for the purpose of paying the principal and interest of bonds outstanding against the district as provided in this chapter and in addition such funds as may accrue to the credit of the district interest and sinking fund from interest on deposits, investments or other sources. The district interest and sinking fund in each district shall be used to pay the principal and interest on bonds legally issued against the district and other proper items of debt service against such district, including any necessary refunding expense as prescribed by rules of the State Board of Education. The district school board shall, before the maturity of bonds and before interest due dates, deposit with the paying agent or make available, as designated in the resolution authorizing the issuance of bonds, sufficient money of the district interest and sinking fund with which to pay all principal and interest when due; provided, that when such money has been so

deposited with the paying agent or made available, all interest on the indebtedness represented by the maturing bonds or coupons shall cease as of their maturity dates; and provided, further, that if any such bonds or coupons are not presented for payment within 6 months after the date on which they mature, the money shall be returned to the district school board and shall be held by the board as a reserve fund in the account of the district interest and sinking fund until the bonds and coupons are presented for payment. Any holder of bonds or coupons claiming interest after maturity shall be required to produce evidence in the form of a letter from the paying agent or the district school board of the district, respectively, acknowledging that the bonds or coupons upon which interest is claimed were presented for payment upon maturity, that no funds were available for the payment thereof, that such bonds or coupons were presented for payment at least annually thereafter and that no funds were available to pay such bonds or coupons. The paying agent or the district school board, whichever has the duty of holding the money shall, upon request of the holder of defaulted bonds or coupons, furnish to such holder the letter required herein. When such evidence is presented, the district interest and sinking fund shall be liable for the payment of principal and interest on the bonds and coupons from maturity until paid at the rate prescribed on the face of the bonds. If at any time any bonds or coupons are reduced to judgment, the district interest and sinking fund shall be responsible for past due interest only at the rate prescribed by the bonds and any rate of interest in excess of that amount shall be illegal and invalid. Such judgments shall bear interest at the rate of 5 percent per annum until paid. When any proposal for refunding

the indebtedness against any district has been prepared and approved by the Department of Education, as required by law, and when the holders of at least 80 percent of the outstanding indebtedness represented by the bond issue have agreed in writing to the refunding plan, the district school board shall be authorized to pay, from and after that date on the original and refunding bonds from the district interest and sinking fund, only the rate of interest which has been agreed upon for the refunding bonds and no owner or holder of a bond or coupon shall be entitled to a higher rate of interest after that date; provided, that such owner or holder shall be given the option by the school board of receiving payment in cash for all principal and interest due on the bonds and coupons he or she holds at the same rate at which the remaining bonds and coupons have been refunded.

Section 625. Section 1011.22, Florida Statutes, is created to read:

1011.22 Interest and sinking funds may be invested in certain bonds, warrants, and notes.--Each district school board shall have the power at all times to invest the interest and sinking funds collected for the retirement of any bonds of the school district in any investment as authorized in s. 1010.53(2). The district school board shall have authority at any time to use the interest and sinking fund of any district for purchasing, for the purpose of canceling and retiring, bonds outstanding against the interest and sinking fund of said district at any price which will result in a net saving to the taxpayers of the district; provided, always, that the district school board shall have the right to keep the interest and sinking fund on deposit earning the rate of interest agreed upon until such time as within its judgment it

may be able to invest it in bonds, warrants, or notes to better advantage as provided herein.

Section 626. Section 1011.23, Florida Statutes, is created to read:

1011.23 Disposition of balance in interest and sinking fund.--If all principal and interest outstanding against any school district shall have been paid, and there shall still remain a balance in the interest and sinking fund to the credit of that district, the district school board shall, by resolution, authorize this balance to be transferred to the credit of the district school fund.

Section 627. Section 1011.24, Florida Statutes, is created to read:

1011.24 Special district units.--For the purposes of funding through chapters 1011 and 1013, developmental research schools shall be designated as special school districts. Such districts shall be accountable to the Department of Education for budget requests and reports on expenditures.

Section 628. Part I.b. of chapter 1011, Florida Statutes, shall be entitled "Community Colleges: Preparation, Adoption, and Implementation of Budgets" and shall consist of ss. 1011.30-1011.32.

Section 629. Section 1011.30, Florida Statutes, is created to read:

1011.30 Budgets for community colleges.--Each community college president shall recommend to the community college board of trustees a budget of income and expenditures at such time and in such form as the State Board of Education may prescribe. Upon approval of a budget by the community college board of trustees, such budget shall be transmitted to the Department of Education for review and approval. Rules of

the State Board of Education shall prescribe procedures for effecting budget amendments subsequent to the final approval of a budget for a given year.

Section 630. Section 1011.31, Florida Statutes, is created to read:

1011.31 Current loans to community college boards of trustees.--

(1) At any time the current funds on hand are insufficient to pay obligations created by a community college board of trustees in accordance with the approved budget of the community college, the community college board of trustees may request approval by the Commissioner of Education of a proposal to negotiate a current loan, with provisions for the repayment of such loan during the fiscal year in which the loan is made, in order to meet these obligations.

(2) The Commissioner of Education shall approve such proposal when, in his opinion, the proposal is reasonable and just, the expenditure is necessary, and revenues sufficient to meet the requirements of the loan can reasonably be anticipated.

Section 631. Section 1011.32, Florida Statutes, is created to read:

1011.32 Community College Facility Enhancement Challenge Grant Program.--

(1) The Legislature recognizes that the community colleges do not have sufficient physical facilities to meet the current demands of their instructional and community programs. It further recognizes that, to strengthen and enhance community colleges, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are

sources of private support that, if matched with state support, can assist in constructing much needed facilities and strengthen the commitment of citizens and organizations in promoting excellence at each community college. Therefore, it is the intent of the Legislature to establish a program to provide the opportunity for each community college through its direct-support organization to receive and match challenge grants for instructional and community-related capital facilities within the community college.

(2) There is established the Community College Facility Enhancement Challenge Grant Program for the purpose of assisting the community colleges in building high priority instructional and community-related capital facilities consistent with s. 1004.65, including common areas connecting such facilities. The direct-support organizations that serve the community colleges shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this section, private sources of funds shall not include any federal or state government funds that a community college may receive.

(3) The Community College Capital Facilities Matching Program shall provide funds to match private contributions for the development of high priority instructional and community-related capital facilities, including common areas connecting such facilities, within the community colleges.

(4) Within the direct-support organization of each community college there must be established a separate capital facilities matching account for the purpose of providing matching funds from the direct-support organization's unrestricted donations or other private contributions for the development of high priority instructional and

1 community-related capital facilities, including common areas
2 connecting such facilities. The Legislature shall appropriate
3 funds for distribution to a community college after matching
4 funds are certified by the direct-support organization and
5 community college. The Public Education Capital Outlay and
6 Debt Service Trust Fund shall not be used as the source of the
7 state match for private contributions.
8 (5) A project may not be initiated unless all private
9 funds for planning, construction, and equipping the facility
10 have been received and deposited in the direct-support
11 organization's matching account and the state's share for the
12 minimum amount of funds needed to begin the project has been
13 appropriated by the Legislature. The Legislature may
14 appropriate the state's matching funds in one or more fiscal
15 years for the planning, construction, and equipping of an
16 eligible facility. However, these requirements shall not
17 preclude the community college or direct-support organization
18 from expending available funds from private sources to develop
19 a prospectus, including preliminary architectural schematics
20 and/or models, for use in its efforts to raise private funds
21 for a facility. Additionally, any private sources of funds
22 expended for this purpose are eligible for state matching
23 funds should the project materialize as provided for in this
24 section.
25 (6) To be eligible to participate in the Community
26 College Facility Enhancement Challenge Grant Program, a
27 community college, through its direct-support organization,
28 shall raise a contribution equal to one-half of the total cost
29 of a facilities construction project from private sources
30 which shall be matched by a state appropriation equal to the
31 amount raised for a facilities construction project, subject

to the General Appropriations Act.

(7) If the state's share of the required match is insufficient to meet the requirements of subsection (6), the community college shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the direct-support organization for remittance to the donor.

(8) By September 1 of each year, the State Board of Education shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Community College Facility Enhancement Challenge Grant Program and a budget request which includes the recommended schedule necessary to complete each project.

(9) In order for a project to be eligible under this program, it must be survey recommended under the provisions of s. 1013.31 and included in the community colleges 5-year capital improvement plan, and it must receive prior approval from the State Board of Education.

(10) A community college project may not be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list.

(11) Any project funds that are unexpended after a project is completed shall revert to the community college's direct-support organization capital facilities matching account. Fifty percent of such unexpended funds shall be reserved for the community college which originally received the private contribution for the purpose of providing private

matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be returned to the General Revenue Fund.

(12) The surveys, architectural plans, facility, and equipment shall be the property of the participating community college. A facility constructed under this section may be named in honor of a donor at the option of the community college district board of trustees. A facility may not be named after a living person without prior approval by the State Board of Education.

Section 632. Part I.c. of chapter 1011, Florida Statutes, shall be entitled "Universities: Preparation, Adoption, and Implementation of Budgets" and shall consist of ss. 1011.40-1011.52.

Section 633. Section 1011.40, Florida Statutes, is created to read:

1011.40 Budgets for universities.--

(1) LEGISLATIVE BUDGET REQUEST.--The State Board of Education shall provide instructions, guidelines, and standard formats to be used by each university that will provide to the State Board of Education and the Legislature adequate information to support and justify the legislative budget requests submitted pursuant to ss. 216.023, 1013.60, and 1011.90 for each university.

(2) OPERATING BUDGET.--Each university board of trustees shall adopt an operating budget for the operation of the university as prescribed by law and rules of the State Board of Education. Each university president shall prepare and implement the operating budget of the university as prescribed by law, rules of the State Board of Education, policies of the university board of trustees, and provisions

of the General Appropriations Act. The proposed expenditures, plus transfers, and balances shall not exceed the estimated income, transfers, and balances. The budget and each part thereof shall balance. If at any time the unencumbered balance in the education and general fund of the university board of trustees approved operating budget goes below five percent, the president shall provide written notification to the State Board of Education.

(3) EXPENDITURES.--Expenditures from any source of funds by any university shall not exceed the funds available. Expenditures shall not exceed the amount budgeted under each classification of accounts for each fund and the total amount of the budget, as amended as prescribed by rules of the State Board of Education. No expenditure of funds, contract, or agreement of any nature shall be made that requires additional appropriation of funds by the Legislature unless specifically authorized in advance by law or the General Appropriations Act.

(4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated in the General Appropriations Act for the operation of state universities shall be distributed by the State Board of Education to the universities twice monthly. The Executive Office of the Governor may modify this schedule if required to meet specific needs of a university.

Section 634. Section 1011.41, Florida Statutes, is created to read:

1011.41 University appropriations.--Funds for the general operations of universities shall be requested and appropriated as Aid to Local Governments Grants and Aids, subject to provisions of the General Appropriations Act.

Section 635. Section 1011.4105, Florida Statutes, is

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created to read:

1011.4105 Transition from state accounting system (FLAIR) to university accounting system.--

(1) Universities and colleges under the supervision of the State Board of Education shall use the state accounting system (FLAIR) for fiscal year 2002-2003. The universities shall not be required to provide funds to the Department of Banking and Finance for the utilization of FLAIR.

(2) Beginning with the 2003-2004 fiscal year any university may transition from FLAIR to the university's accounting system.

(3) To accomplish the transition from FLAIR to a university's accounting system the university board of trustees must submit to the State Board of Education a plan developed in cooperation with the State Comptroller (Chief Financial Officer.) The plan must contain the actions the university will take, or has taken, to implement this transition. The plan must provide time lines for completion of actions and the target date the university will have implemented and tested parallel systems with appropriate audit and internal controls in place that will enable the university to satisfactorily and timely perform all accounting and reporting functions required by State and Federal law and rules of the State Board of Education.

(4) When a university is ready to transition from FLAIR to its own system, the State Board of Education shall verify that the system the university has implemented and tested is adequate for the university, the university has appropriate audit and internal controls in place, the university has the resources required to operate and maintain the system, and that the university and the State Comptroller

1 (Chief Financial Officer) are prepared to implement the
2 transition. The State Board of Education shall submit to the
3 Executive Office of the Governor and the Chairs of the
4 Appropriations Committees of the Senate and House of
5 Representatives confirmation of this verification and the date
6 the transition will be effective. Transition for any
7 university shall not take place until after the State Board of
8 Education has submitted this confirmation.
9 (5) The State Board of Education in cooperation with
10 each university and the Department of Banking and Finance
11 shall develop a plan and establish the deadline for all
12 universities to have completed the transition from FLAIR. The
13 Board shall submit a copy of this plan to the Executive Office
14 of the Governor and the Chairs of the Appropriations
15 Committees of the Senate and House of Representatives.
16 Section 636. Section 1011.4106, Florida Statutes, is
17 created to read:
18 1011.4106 Trust fund dissolution.--Notwithstanding the
19 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to
20 s. 216.351, all unexpended balances as of June 30, 2002 in the
21 following state university system trust funds are hereby
22 appropriated to the appropriate accounts of each university
23 based upon the original source of the trust fund revenue and
24 any accrued interest: the Education/General Student and Other
25 Fees Trust Fund, the Experiment Station Federal Grant Trust
26 Fund, the Experiment Station Incidental Trust Fund, the
27 Extension Service Federal Grant Trust Fund, the Extension
28 Service Incidental Trust Fund, the Incidental Trust Fund, the
29 UF Health Center Operations and Maintenance Trust Fund, the
30 Operations and Maintenance Trust Fund, and all other trust
31 funds in the State Treasury for universities. Expenditure of

these funds by each university must be based on the laws, rules, grant agreements, or other legal controlling factors associated with all trust fund balances which are appropriated to local accounts pursuant to this section, and included in each university board of trustees' approved operating budget. Each university shall be responsible for the payment of outstanding debts or obligations associated with these funds.

Section 637. Section 1011.411, Florida Statutes, is created to read:

1011.411 Budgets for sponsored research at universities.--Funds for sponsored research at each university shall be budgeted and expended pursuant to ss. 1010.30 and 1011.42.

Section 638. Section 1011.42, Florida Statutes, is created to read:

1011.42 University depositories; deposits into and withdrawals from depositories.--

(1) The board of trustees of each university shall designate the depositories in which any university funds may be deposited. No bank shall be designated unless it is a qualified depository as provided by Florida Statutes.

(2) All funds received by a university, from whatever source and for whatever purpose, shall promptly be deposited in a board of trustees approved qualified depository.

(3) The board of trustees shall require an accurate and complete set of accounts to be maintained in the books and records for each fund on deposit in each university depository. Each account shall show the amount subject to withdrawal, the amount deposited, the amount expended, and the balance of the account.

(4) The university may maintain a separate checking

account for each fund or may utilize a single checking account for the deposit and withdrawal of moneys from all funds and segregate the various funds on the books and records only. No check or withdrawal shall be drawn in excess of the balance to the credit of the appropriate fund.

(5) Funds awaiting clearing may be invested in investments earning interest in a qualified depository, in the State Treasury, and in the State Board of Administration. Investments of university funds shall comply with the requirements of Florida Statutes for the investment of public funds by local government. Due diligence shall be exercised to assure that the highest available amount of earnings is obtained on investments.

(6) The university president or his designee, after having been specifically authorized by the university board of trustees, may transfer funds from one depository to another, within a depository, to another institution, or from another institution to a depository for investment purposes and may transfer funds in a similar manner when the transfer does not represent an expenditure, advance, or reduction of cash assets.

(7) The university board of trustees shall specifically designate and spread upon the minutes of the board the legal name and position title of any university employee authorized to sign checks to pay legal obligations of the university.

Section 639. Section 1011.43, Florida Statutes, is created to read:

1011.43 Investment of university agency and activity funds; earnings used for scholarships.--Each university is authorized to invest available agency and activity funds and

to use the earnings from such investments for student scholarships and loans. The university board of trustees shall provide procedures for the administration of these scholarships and loans by rules.

Section 640. Section 1011.45, Florida Statutes, is created to read:

1011.45 End of year balance of funds.--Unexpended amounts in any fund in a university current year operating budget shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 641. Section 1011.47, Florida Statutes, is created to read:

1011.47 Auxiliary enterprises; contracts, grants, and donations.--As used in s. 19(f)(3), Art. III of the State Constitution, the term:

(1) "Auxiliary enterprises" includes activities that directly or indirectly provide a product or a service, or both, to a university or its students, faculty, or staff and for which a charge is made. These auxiliary enterprises are business activities of a university which require no support from the General Revenue Fund, and include activities such as housing, bookstores, student health services, continuing education programs, food services, college stores, operation of vending machines, specialty shops, day care centers, golf courses, student activities programs, data center operations, and intercollegiate athletics programs.

(2) "Contracts, grants, and donations" includes noneducational and general funding sources in support of research, public services, and training. The term includes grants and donations, sponsored-research contracts, and

Department of Education funding for developmental research schools and other activities for which the funds are deposited outside the State Treasury.

Section 642. Section 1011.48, Florida Statutes, is created to read:

1011.48 Establishment of educational research centers for child development.--

(1) Upon approval of the university president, the student government association of any state university may establish an educational research center for child development in accordance with the provisions of this section. Each such center shall be a child day care center established to provide care for the children of students, both graduate and undergraduate, faculty, and other staff and employees of the university and to provide an opportunity for interested schools or departments of the university to conduct educational research programs and establish internship programs within such centers. Whenever possible, such center shall be located on the campus of the university. There shall be a director of each center, selected by the board of directors of the center.

(2) There shall be a board of directors for each educational research center for child development, consisting of the president of the university or his or her designee, the student government president or his or her designee, the chair of each department participating in the center or his or her designee, and one parent for each 50 children enrolled in the center, elected by the parents of children enrolled in the center. The director of the center shall be an ex officio, nonvoting member of the board. The board shall establish local policies and perform local oversight and operational guidance

for the center.

(3) Each center is authorized to charge fees for the care and services it provides. Such fees must be approved by the State Board of Education and may be imposed on a sliding scale based on ability to pay or any other factors deemed relevant by the board.

(4) The State Board of Education is authorized and directed to promulgate rules for the establishment, operation, and supervision of educational research centers for child development. Such rules shall include, but need not be limited to: a defined method of establishment of and participation in the operation of centers by the appropriate student government associations; guidelines for the establishment of an intern program in each center; and guidelines for the receipt and monitoring of funds from grants and other sources of funds consistent with existing laws.

(5) Each educational research center for child development shall be funded by a portion of the Capital Improvement Trust Fund fee established by the State Board of Education pursuant to s. 1009.24(7). Each university that establishes a center shall receive a portion of such fees collected from the students enrolled at that university, usable only at that university, equal to 22.5 cents per student per credit hour taken per term, based on the summer term and fall and spring semesters. This allocation shall be used by the university only for the establishment and operation of a center as provided by this section and rules promulgated hereunder. Said allocation may be made only after all bond obligations required to be paid from such fees have been met.

Section 643. Section 1011.49, Florida Statutes, is

created to read:

1011.49 Assent to Smith-Lever Act; university board of trustees authorized to receive grants.--The Legislature, in behalf of and for the state, assents to, and gives its assent to, the provisions and requirements of the Act of Congress commonly known as the "Smith-Lever Act," and all acts supplemental thereto, and the University of Florida Board of Trustees, having supervision over and control of the University of Florida, located at Gainesville, may receive the grants of money appropriated under said Act of Congress and organize and conduct agricultural and home economics extension work, which shall be carried on in connection with the University of Florida Institute of Food and Agricultural Sciences, in accordance with the terms and conditions expressed in said Act of Congress.

Section 644. Section 1011.50, Florida Statutes, is created to read:

1011.50 Agricultural experiment stations; assent to Act of Congress; federal appropriation.--The objects and purposes contained in the Act of Congress entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof" are assented to; and the Board of Trustees of the University of Florida is authorized to accept and receive the annual appropriations for the use and benefit of the agricultural experiment station fund of the Institute of Food and Agricultural Sciences of the University of Florida, located at Gainesville, upon the terms and conditions contained in said Act of Congress.

Section 645. Section 1011.501, Florida Statutes, is created to read:

1 1011.501 Assent to ss. 1444 and 1445 of the Food and
2 Agriculture Act of 1977; board of trustees authorized to
3 receive grants, etc.--The assent of Legislature is given to
4 the provisions and requirements of ss. 1444 and 1445 of the
5 Act of Congress commonly known as the "Food and Agriculture
6 Act of 1977" and all acts supplemental thereto. The Board of
7 Trustees of the Florida Agricultural and Mechanical University
8 may receive grants of money appropriated under said sections
9 of said act and may organize and conduct agricultural
10 extension work and conduct agricultural research, which shall
11 be carried on in connection with the College of Engineering
12 Sciences, Technology and Agriculture of said Florida
13 Agricultural and Mechanical University, in accordance with the
14 terms and conditions expressed in the Act of Congress
15 aforesaid.
16 Section 646. Section 1011.51, Florida Statutes, is
17 created to read:
18 1011.51 Independent postsecondary endowment grants.--
19 (1) The Legislature finds and declares that accredited
20 baccalaureate-degree-granting independent nonprofit colleges
21 and universities are an integral part of the higher education
22 system in this state; that significant numbers of persons
23 choose to utilize these institutions for obtaining higher
24 education; that the burdens on public colleges and
25 universities are lessened because of the students that choose
26 to utilize these institutions for their higher education; that
27 having a strong system of baccalaureate-degree-granting
28 independent nonprofit colleges and universities will improve
29 the educational, economic, and social well-being of the state;
30 and that creation of a state program to provide matching
31 endowment grants will improve the academic excellence of these

institutions and enhance educational opportunities for Florida citizens, furthering the improvement of the overall educational system in the state.

(2) There is established the Florida Postsecondary Endowment Grants Program to be administered by the Department of Education. The program shall provide matching endowment grants to independent nonprofit colleges and universities in Florida that meet the requirements of this section. The Legislature shall designate funds for the program to be transferred to the Grants and Donations Trust Fund from available sources. All funds transferred to the trust fund, or retained in the trust fund, shall be invested in accordance with the provisions of chapter 215. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund for the program and income from investments and interest related thereto shall remain in the trust fund and shall increase the total funds available for such matching endowment grants.

(3) The matching endowment grants made available under this section shall be made available to any independent nonprofit college or university which:

(a) Is located in and chartered by the state.

(b) Is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(c) Grants baccalaureate degrees.

(d) Is not a state university or community college.

(e) Has a secular purpose, so long as the receipt of state aid by students at the institution would not have the primary effect of advancing or impeding religion or result in an excessive entanglement between the state and any religious sect.

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(4)(a) The amounts appropriated for the program shall be allocated by the Department of Education to each independent nonprofit college or university that meets the criteria of subsection (3) in the following manner:

1. Each such college or university that raises an endowment contribution of at least $50,000, but no more than $75,000, from private sources shall receive a matching endowment grant equal to 70 percent of the private contribution.

2. Each such college or university that raises an endowment contribution in excess of $75,000, but no more than $100,000, from private sources shall receive a matching endowment grant equal to 75 percent of the private contribution.

3. Each such college or university that raises an endowment contribution in excess of $100,000, but no more than $125,000, from private sources shall receive a matching endowment grant equal to 80 percent of the private contribution.

4. Each such college or university that raises an endowment contribution in excess of $125,000 from private sources shall receive a matching endowment grant equal to 100 percent of the private contribution.

(b) The private sources may include combined contributions for a common purpose, but shall not include separate unrelated contributions. The state endowment matching grant shall be disbursed to the independent nonprofit college or university upon certification by the college or university that it has received and deposited the proportionate amount specified in this subsection.

(c) Contributions may also be eligible for matching if

there is a commitment to make a donation of $125,000, and an initial payment of $25,000 is accompanied by a written pledge to provide the balance within 4 years after the date of such initial payment. Payments on the balance must be at least $25,000 per year and shall be made on or before the anniversary date of the initial payment. No matching endowment grant shall be disbursed prior to collection of the total pledged contribution from the private source, but a pledged contribution shall encumber the matching endowment grant for that independent nonprofit college or university.

(5)(a) By July 1 of each year, each independent nonprofit college or university that desires to participate in the program shall certify to the department its eligibility. The department, upon receipt and acceptance of such certifications, shall reserve an equal amount of the additional funds for the program transferred to the Grants and Donations Trust Fund for that fiscal year for each independent nonprofit college or university that is eligible to participate. An eligible independent nonprofit college or university shall have 3 fiscal years within which to encumber its share of trust funds reserved during the first 3 fiscal years. After the third fiscal year, if any independent nonprofit college or university does not fully utilize or encumber its share of reserved trust funds for any single fiscal year, such reserved funds shall be available in subsequent fiscal years for the purposes of this program.

(b) Each eligible institution shall certify to the department its contributions for the year ending June 30, 1989. Only the qualified new contributions above the certified base shall be calculated for the purpose of allocating grants during the first 3 years of the program. In subsequent years,

only the qualified new contributions above the certified prior year base shall be calculated for the purpose of allocating such grants.

(6) Matching endowment grants made pursuant to this section to a qualified independent nonprofit college or university shall be placed in a separate restricted endowment by such institution. The interest or other income accruing from the endowment shall be expended exclusively for professorships, library resources, scientific and technical equipment, and nonathletic scholarships. Moreover, the funds in the endowment shall not be used for pervasively sectarian instruction, religious worship, or theology or divinity programs or resources. The records of the endowment shall be subject to review by the department and audit or examination by the Auditor General and the Office of Program Policy Analysis and Government Accountability. If any institution receiving a matching endowment grant pursuant to this section ceases operations and undergoes dissolution proceedings, then all funds received pursuant to this section from the state shall be returned.

(7) The State Board of Education shall adopt rules necessary to implement this section.

(8) This section shall be implemented to the extent specifically funded and authorized by law.

Section 647. Section 1011.52, Florida Statutes, is created to read:

1011.52 Appropriation to first accredited medical school.--

(1) Subject to the provisions hereinafter set forth, the Legislature shall provide an annual appropriation to the first accredited medical school. Payments of moneys from such

appropriation shall be made semiannually at the beginning of the first and third quarters.

(2) In order for a medical school to qualify under the provisions of this section and to be entitled to the benefits herein, such medical school:

(a) Must be primarily operated and established to offer, afford, and render a medical education to residents of the state qualifying for admission to such institution;

(b) Must be operated by a municipality or county of this state, or by a nonprofit organization heretofore or hereafter established exclusively for educational purposes;

(c) Must, upon the formation and establishment of an accredited medical school, transmit and file with the Department of Education documentary proof evidencing the facts that such institution has been certified and approved by the council on medical education and hospitals of the American Medical Association and has adequately met the requirements of that council in regard to its administrative facilities, administrative plant, clinical facilities, curriculum, and all other such requirements as may be necessary to qualify with the council as a recognized, approved, and accredited medical school;

(d) Must certify to the Department of Education the name, address, and educational history of each student approved and accepted for enrollment in such institution for the ensuing school year.

(3) The Department of Education shall, within 60 days of the receipt of the student enrollment of the medical school, pay to the school, each year, the amount appropriated for students accepted and approved for enrollment in such medical institution, provided each medical student is a legal

resident of the state or, if the student is not of legal age, his or her parents or legal guardian are residents of the state at the time of the student's acceptance and approval as a medical student. In the event a student resigns or is dismissed from such medical institution for any reason whatsoever before the end of a school year, then the medical institution shall, within 30 days from such dismissal or resignation, remit to the state, through the Department of Education, a pro rata amount of the sum before paid by the state to the medical institution, which amount is to be computed by dividing the total number of days in the school year into the sum paid for that student and multiplying the result by the total number of days remaining in such school year after such resignation or dismissal.

(4) Such institution is prohibited from expending any of the sums received under the terms of this section for any purposes whatsoever, except for the operation and maintenance of a medical school and for medical research. The institution is further prohibited from expending any sums received under the terms of this section for the construction or erection of any buildings of any kind, nature, or description or for the maintenance and operation of a hospital in any form or manner whatsoever.

Section 648. Part I.d. of chapter 1011, Florida Statutes, shall be entitled "Florida School for the Deaf and the Blind: Preparation, Adoption, and Implementation of Budgets" and shall consist of ss. 1011.55-1011.57.

Section 649. Section 1011.55, Florida Statutes, is created to read:

1011.55 Procedure for legislative budget requests for the Florida School for the Deaf and the Blind.--

(1) The legislative budget request of the Florida School for the Deaf and the Blind shall be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the Department of Education. The Commissioner of Education shall include the Florida School for the Deaf and the Blind in the department's legislative budget request to the State Board of Education, the Governor, and the Legislature. The legislative budget request and the appropriation for the Florida School for the Deaf and the Blind shall be a separate identifiable sum in the public schools budget entity of the Department of Education. The annual appropriation for the school shall be distributed monthly in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

(2) Fixed capital outlay needs of the school shall continue to be requested in the public education capital outlay legislative budget request of the Department of Education.

Section 650. Section 1011.56, Florida Statutes, is created to read:

1011.56 Operating budget for the Florida School for the Deaf and the Blind.--The president of the school shall recommend to the board of trustees a budget of income and expenditures at such time and in such form as the board of trustees may prescribe. The board of trustees shall adopt procedures for the approval of budget amendments. If at any time the unencumbered balance of approved operating budget goes below 5 percent, the president shall provide written notification to the State Board of Education.

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Section 651. Section 1011.57, Florida Statutes, is created to read:

1011.57 Florida School for the Deaf and the Blind; board of trustees; management flexibility.--

(1) Notwithstanding the provisions of ss. 216.031, 216.181, and 216.262 to the contrary and pursuant to the provisions of s. 216.351, but subject to any guidelines imposed in the General Appropriations Act, funds for the operation of the Florida School for the Deaf and the Blind shall be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories. Funds appropriated to the Florida School for the Deaf and the Blind for each program category, lump sum, or special category may be transferred to traditional categories for expenditure by the board of trustees of the school. The board of trustees shall develop an annual operating budget that allocates funds by program component and traditional expenditure category.

(2) Notwithstanding the provisions of s. 216.181 and pursuant to the provisions of s. 216.351, but subject to any requirements imposed in the General Appropriations Act, no lump-sum plan is required to implement the special categories, program categories, or lump-sum appropriations. Upon release of the special categories, program categories, or lump-sum appropriations to the board of trustees, the Comptroller, upon the request of the board of trustees, shall transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees shall maintain records to account for the original appropriation.

(3) Notwithstanding the provisions of ss. 216.031, 216.181, 216.251, and 216.262 to the contrary and pursuant to

the provisions of s. 216.351, but subject to any requirements imposed in the General Appropriations Act, the board of trustees shall establish the authorized positions and may amend such positions, within the total funds authorized annually in the appropriations act.

(4) Notwithstanding the provisions of s. 216.301 to the contrary, the Executive Office of the Governor shall, on July 1 of each year, certify forward all unexpended funds appropriated for the Florida School for the Deaf and the Blind. The unexpended amounts in any fund shall be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Section 652. Part II of chapter 1011, Florida Statutes, shall be entitled "Funding for School Districts" and shall consist of ss. 1011.60-1011.77.

Section 653. Section 1011.60, Florida Statutes, is created to read:

1011.60 Minimum requirements of the Florida Education Finance Program.--Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.--Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or rule, each annual or periodic report that is required by rules of the State Board of Education.

(2) MINIMUM TERM.--Operate all schools for a term of at least 180 actual teaching days as prescribed in s.

1003.01(14) or the equivalent on an hourly basis as specified by rules of the State Board of Education each school year. The State Board of Education may prescribe procedures for altering, and, upon written application, may alter, this requirement during a national, state, or local emergency as it may apply to an individual school or schools in any district or districts if, in the opinion of the board, it is not feasible to make up lost days, and the apportionment may, at the discretion of the Commissioner of Education and if the board determines that the reduction of school days is caused by the existence of a bona fide emergency, be reduced for such district or districts in proportion to the decrease in the length of term in any such school or schools. A strike, as defined in s. 447.203(6), by employees of the school district may not be considered an emergency.

(3) EMPLOYMENT POLICIES.--Adopt rules relating to the appointment, promotion, transfer, suspension, and dismissal of personnel.

(a) Such rules must conform to applicable law and rules of the State Board of Education and must include the duties and responsibilities of the district school superintendent and school board pertaining to these and other personnel matters.

(b) All personnel shall be paid in accordance with payroll period schedules adopted by the school board and included in the official salary schedule.

(c) No salary payment shall be paid to any employee in advance of service being rendered.

(d) District school boards may authorize a maximum of six paid legal holidays which shall apply to the 196 days of service.

(e) Such rules may include reasonable time for vacation and absences for further professional studies for personnel employed on a 12-month basis.

(f) Such rules must require 12 calendar months of service for such principals as prescribed by rules of the State Board of Education and must require 10 months to include not less than 196 days of service, excluding Sundays and other holidays, for all members of the instructional staff, with any such service on a 12-month basis to include reasonable allowance for vacation or further study as prescribed by the school board in accordance with rules of the State Board of Education.

(4) SALARY SCHEDULES.--Expend funds for salaries in accordance with a salary schedule or schedules adopted by the school board in accordance with the provisions of law and rules of the State Board of Education. Expenditures for salaries of instructional personnel must include compensation based on employee performance demonstrated under s. 1012.34.

(5) BUDGETS.--Observe fully at all times all requirements of law and rules of the State Board of Education relating to the preparation, adoption, and execution of budgets for district school boards.

(6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the minimum financial effort required for the support of the Florida Education Finance Program as prescribed in the current year's General Appropriations Act.

(7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system of planning and evaluation as required by law.

(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.--Comply with the minimum classroom expenditure requirements and associated reporting pursuant to s. 1011.64.

Section 654. Section 1011.61, Florida Statutes, is created to read:

1011.61 Definitions.--Notwithstanding the provisions of s. 1000.21, the following terms are defined as follows for the purposes of the Florida Education Finance Program:

(1) 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:

(a) A "full-time student" is one student on the membership roll of one school program or a combination of school programs listed in s. 1011.62(1)(c) for the school year or the equivalent for:

1. Instruction in a standard school, comprising not less than 900 net hours for a student in or at the grade level of 4 through 12, or not less than 720 net hours for a student in or at the grade level of kindergarten through grade 3 or in an authorized prekindergarten exceptional program;

2. Instruction in a double-session school or a school utilizing an experimental school calendar approved by the Department of Education, comprising not less than the equivalent of 810 net hours in grades 4 through 12 or not less than 630 net hours in kindergarten through grade 3; or

3. Instruction comprising the appropriate number of net hours set forth in subparagraph 1. or subparagraph 2. for students who, within the past year, have moved with their parents for the purpose of engaging in the farm labor or fish industries, if a plan furnishing such an extended school day or week, or a combination thereof, has been approved by the commissioner. Such plan may be approved to accommodate the needs of migrant students only or may serve all students in schools having a high percentage of migrant students. The plan

described in this subparagraph is optional for any school district and is not mandated by the state.

(b) A "part-time student" is a student on the active membership roll of a school program or combination of school programs listed in s. 1011.62(1)(c) who is less than a full-time student.

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

a. A full-time student in any one of the programs listed in s. 1011.62(1)(c); or

b. A combination of full-time or part-time students in any one of the programs listed in s. 1011.62(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. 1011.62(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 (4) 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 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 students enrolled in juvenile justice education programs.

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 to operate for less than the minimum school day.

(2) A "full-time equivalent student" is a student in grades 4 through 8 who is participating in a student-teacher adviser program conducted during homeroom period, who is a fraction of a full-time equivalent membership based on net hours in the program, with a maximum of 36 net hours in any fiscal year. Each district program shall be approved by the Department of Education.

(3) For the purpose of calculating the "current operation program," a student is in membership until he or she withdraws or until the close of the 11th consecutive school day of his or her absence, whichever comes first.

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e), except for a student as set forth in sub-sub-subparagraph (1)(c)1.b.(I), is one full-time equivalent student membership for a school year or equivalent.

(5) The "Florida Education Finance Program" includes all programs and costs as provided in s. 1011.62.

(6) "Basic programs" include, but are not limited to, language arts, mathematics, art, music, physical education, science, and social studies.

Section 655. Effective upon this act becoming a law, section 1011.62, Florida Statutes, is created to read:

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

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

(a) Determination of full-time equivalent membership.--During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

(b) Determination of base student allocation.--The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount

prescribed in the current year's General Appropriations Act.

(c) Determination of programs.--Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.--

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.--

a. Support Level IV.

b. Support Level V.

3. Secondary career and technical education programs.--

4. English for Speakers of Other Languages.--

(d) Annual allocation calculation.--

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts

enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs, English for Speakers of Other Languages programs, and all career and technical programs in grades 7-12.

a. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the final enrollment conference estimate for each program by the appropriate program weight. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Family Services and the Department of Juvenile Justice.

b. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

c. For program group 2, the weighted enrollment ceiling shall be a number not less than the sum obtained by:

(I) Multiplying the sum of reported FTE for all programs in the program group that have a cost factor of 1.0 or more by 1.0, and

(II) By adding this number to the sum obtained by multiplying the projected FTE for all programs with a cost factor less than 1.0 by the actual cost factor.

4. Following completion of the weighted enrollment ceiling calculation as provided in subparagraph 3., a supplemental capping calculation shall be employed for those districts that are over their weighted enrollment ceiling. For

each such district, the total reported unweighted FTE enrollment for group 2 programs shall be compared with the total appropriated unweighted FTE enrollment for group 2 programs. If the total reported unweighted FTE for group 2 is greater than the appropriated unweighted FTE, then the excess unweighted FTE up to the unweighted FTE transferred from group 2 to group 1 for each district by the Public School FTE Estimating Conference shall be funded at a weight of 1.0 and added to the funded weighted FTE computed in subparagraph 3.

(e) Funding model for exceptional student education programs.--

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career and technical Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance

with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(m) and rules of the State Board of Education, which 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 FTE student membership in the Florida Education Finance Program, and the amount allocated for each school district shall not be recalculated during the year. These funds shall be used to provide special education and related services for exceptional students.

(f) 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 paragraph may be cited as the "Supplemental Academic Instruction 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 FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. Supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction 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 in juvenile justice education programs. 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.

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

1 5. Beginning in the 1999-2000 school year, dropout
2 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
3 (b), and (c), and 1003.54 shall be included in Group 1
4 programs under subparagraph (1)(d)3.
5 (g) Education for speakers of other languages.--A
6 school district shall be eligible to report full-time
7 equivalent student membership in the ESOL program in the
8 Florida Education Finance Program provided the following
9 conditions are met:
10 1. The school district has a plan approved by the
11 Department of Education.
12 2. The eligible student is identified and assessed as
13 limited English proficient based on assessment criteria.
14 3.a. An eligible student may be reported for funding
15 in the ESOL program for a base period of 3 years. However, a
16 student whose English competency does not meet the criteria
17 for proficiency after 3 years in the ESOL program may be
18 reported for a fourth, fifth, and sixth year of funding,
19 provided his or her limited English proficiency is assessed
20 and properly documented prior to his or her enrollment in each
21 additional year beyond the 3-year base period.
22 b. If a student exits the program and is later
23 reclassified as limited English proficient, the student may be
24 reported in the ESOL program for funding for an additional
25 year, or extended annually for a period not to exceed a total
26 of 6 years pursuant to this paragraph, based on an annual
27 evaluation of the student's status.
28 4. An eligible student may be reported for funding in
29 the ESOL program for membership in ESOL instruction in English
30 and ESOL instruction or home language instruction in the basic
31 subject areas of mathematics, science, social studies, and

computer literacy.

(h) Small, isolated high schools.--Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the percentage of students at such school passing both parts of the high school competency test, as defined by law and rule, has been equal to or higher than such percentage for the state or district, whichever is greater. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

(i) Calculation of full-time equivalent membership with respect to instruction from community colleges or state universities.--Students enrolled in community college or university dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Such students may also be calculated as the proportional shares of full-time equivalent enrollments they generate for the community college or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment

instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Commission of the Association of Independent Colleges and Schools, and which confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

(j) Coenrollment.--If a high school student wishes to earn high school credits from a community college and enrolls in one or more adult secondary education courses at the community college, the community college shall be reimbursed for the costs incurred because of the high school student's coenrollment as provided in the General Appropriations Act.

(k) Instruction in exploratory career education.--Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education

may not be counted as full-time equivalent students for this instruction.

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

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

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

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

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

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of 2 or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of 1 or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school

designated performance grade category "D" or "F" who has at least one student scoring 2 or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring a 2 or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated performance grade category "D" or "F" which has at least one student scoring a 1 or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

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

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.--A value of 0.24 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced

placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

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

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

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

(o) Year-round-school programs.--The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(p) Extended-school-year program.--It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an

extended-school-year program. The Department of Education shall recommend to the Legislature the policies necessary for full implementation of an extended school year.

(q) Determination of the basic amount for current operation.--The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(r) Computation for funding through the Florida Education Finance Program.--The State Board of Education may adopt rules establishing programs and courses for which the student may earn credit toward high school graduation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.--Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student or other funds shall be expended for

educational training programs as determined by the district school board as provided in s. 1012.98.

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

(a) Estimated taxable value calculations.--

1.a. Not later than 2 working days prior to July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 95 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's

revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

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

(b) Final calculation.--

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

2. For the purposes of this paragraph, the official final taxable value for school purposes shall be the taxable value for school purposes on which the tax bills are computed and mailed to the taxpayers, adjusted to reflect final administrative actions of value adjustment boards and judicial decisions pursuant to part I of chapter 194. By September 1 of each year, the Department of Revenue shall certify to the

commissioner the official prior year final taxable value for school purposes. For each county that has not submitted a revised tax roll reflecting final value adjustment board actions and final judicial decisions, the Department of Revenue shall certify the most recent revision of the official taxable value for school purposes. The certified value shall be the final taxable value for school purposes, and no further adjustments shall be made, except those made pursuant to subparagraph (9)(a)2.

(c) Equalization of required local effort.--

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The Commissioner of Education shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 95 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local

effort for equalization for each district shall be converted to a millage rate, based on 95 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 1011.71(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 1011.71(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(d) Exclusion.--

1. In those instances in which:

a. There is litigation either attacking the authority of the property appraiser to include certain property on the

tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

(e) Recomputation.--Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (d), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(5) CATEGORICAL FUNDS.--

(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1) the Legislature may appropriate categorical funding for specified programs, activities, or purposes.

(b) For fiscal year 2002-2003, if a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of

the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for in-service educational personnel training.

3. Funds for safe schools.

4. Funds for public school technology.

5. Funds for teacher recruitment and retention.

6. Funds for supplemental academic instruction.

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report.

(6) DETERMINATION OF SPARSITY SUPPLEMENT.--

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district}} - 0.1101$$

sparsity
index

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

3. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment

shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and -1;

4. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In those districts where there is a decline between prior year and current year unweighted FTE students, 50 percent of the decline in the unweighted FTE students shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, including a charter technical career center, the decline is to be multiplied by a factor of 0.15.

(8) QUALITY ASSURANCE GUARANTEE.--The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (9), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be

1 calculated for the current year. The current year funds from
2 which the guarantee shall be determined shall include the
3 adjusted FTE dollars as provided in subsection (9) and
4 potential nonvoted discretionary local effort from taxes. A
5 comparison of current year funds per unweighted FTE to prior
6 year funds per unweighted FTE shall be computed. For those
7 school districts which have less than the legislatively
8 assigned percentage increase, funds shall be provided to
9 guarantee the assigned percentage increase in funds per
10 unweighted FTE student. Should appropriated funds be less than
11 the sum of this calculated amount for all districts, the
12 commissioner shall prorate each district's allocation. This
13 provision shall be implemented to the extent specifically
14 funded.
15 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
16 FOR CURRENT OPERATION.--The total annual state allocation to
17 each district for current operation for the FEFP shall be
18 distributed periodically in the manner prescribed in the
19 General Appropriations Act.
20 (a) The basic amount for current operation for the
21 FEFP as determined in subsection (1), multiplied by the
22 district cost differential factor as determined in subsection
23 (2), plus the amounts provided for categorical components
24 within the FEFP, plus the amount for the sparsity supplement
25 as determined in subsection (6), the decline in full-time
26 equivalent students as determined in subsection (7), and the
27 quality assurance guarantee as determined in subsection (8),
28 less the required local effort as determined in subsection
29 (4). If the funds appropriated for the purpose of funding the
30 total amount for current operation as provided in this
31 paragraph are not sufficient to pay the state requirement in

full, the department shall prorate the available state funds to each district in the following manner:

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

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

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

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district

shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Section 656. Section 1011.64, Florida Statutes, is created to read:

1011.64 School district minimum classroom expenditure requirements.--

(1) The Legislature may require any school district that fails to meet minimum academic performance standards to increase emphasis on classroom instruction activities from operating funds, including, but not limited to, those provided for the operation of schools pursuant to s. 1011.62.

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

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

(b) School district minimum classroom expenditure requirements shall be calculated pursuant to subsection (3).

(3)(a) Annually the Department of Education shall calculate for each school district:

1. Total K-12 operating expenditures, which are defined as the amount of total general fund expenditures for K-12 programs as reported in accordance with the accounts and codes prescribed in the most recent issuance of the Department of Education publication entitled "Financial and Program Cost Accounting and Reporting for Florida Schools" and as included in the most recent annual financial report submitted to the Commissioner of Education, less the student transportation

revenue allocation from the state appropriation for that purpose, amounts transferred to other funds, and increases to the amount of the general fund unreserved ending fund balance when the total unreserved ending fund balance is in excess of 5 percent of the total general fund revenues.

2. Expenditures for classroom instruction, which shall be the sum of the general fund expenditures for K-12 instruction and instructional staff training.

(b) The department shall annually calculate for each district, and for the entire state, the percentage of classroom expenditures to total operating expenditures as calculated pursuant to subparagraphs (a)1. and 2.

(4) In order for the Department of Education to monitor the implementation of this section, each school district which is required to increase emphasis on classroom activities from operating funds pursuant to subsection (1) shall submit to the department the following two reports in a format determined by the department:

(a) An initial report, which shall include the proposed budget actions identified for increased classroom expenditures, a description of how such actions are designed to improve student achievement, and a copy of the published statement required by s. 1011.03(3). This report shall be submitted within 30 days after final budget approval as provided in s. 200.065.

(b) A final report, prepared at the end of each fiscal year, which shall include, but is not limited to, information that clearly indicates the degree of each district's compliance or noncompliance with the requirements of this section. If not fully compliant, the district shall include a statement which has been adopted at a public hearing and

signed by the district school superintendent and district school board members, which explains why the requirements of this section have not been met.

(c) The department shall provide annual summaries of these two reports to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 657. Section 1011.65, Florida Statutes, is created to read:

1011.65 Florida Education Finance Program Appropriation Allocation Conference.--Prior to the distribution of any funds appropriated in the General Appropriations Act for the K-12 Florida Education Finance Program formula and for the formula-funded categorical programs, the Commissioner of Education shall conduct an allocation conference. Conference principals shall include representatives of the Department of Education, the Executive Office of the Governor, and the Appropriations Committees of the Senate and the House of Representatives. Conference principals shall discuss and agree to all conventions, including rounding conventions, and methods of computation to be used to calculate Florida Education Finance Program and categorical entitlements of the districts for the fiscal year for which the appropriations are made. These conventions and calculation methods shall remain in effect until further agreements are reached in subsequent allocation conferences called by the commissioner for that purpose. The commissioner shall also, prior to each recalculation of Florida Education Finance Program and categorical allocations of the districts, provide conference principals with all data necessary to replicate those allocations precisely. This data shall include a matrix by district by program of all full-time equivalent

changes made by the department as part of its administration of state full-time equivalent caps.

Section 658. Section 1011.66, Florida Statutes, is created to read:

1011.66 Distribution of funds in first quarter.--Upon the request of any school district whose net state FEFP funding is less than 60 percent of its gross state and local FEFP funding, the Department of Education shall distribute to that school district in the first quarter of the fiscal year an amount from the funds appropriated for the FEFP in the General Appropriations Act up to a maximum of 15 percent of that school district's gross state and local FEFP funding or that school district's net state FEFP funding, whichever is less.

Section 659. Section 1011.67, Florida Statutes, is created to read:

1011.67 Funds for instructional materials.--The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this section, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. The annual allocation shall be determined as follows:

(1) The growth allocation for each school district shall be calculated as follows:

(a) Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial

allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

(b) Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act.

(c) The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(2) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appropriations Act. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

(3) In the event the funds appropriated are not sufficient for the purpose of implementing this section in full, the department shall prorate the funds available for instructional materials after first funding in full each district's growth allocation.

Section 660. Section 1011.68, Florida Statutes, is created to read:

1011.68 Funds for student transportation.--The annual

allocation to each district for transportation to public school programs, including charter schools as provided in s. 1002.33(18)(b), of students in membership in kindergarten through grade 12 and in migrant and exceptional student programs below kindergarten shall be determined as follows:

(1) Subject to the rules of the State Board of Education, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school.

(b) By reason of being students with disabilities or enrolled in a teenage parent program, regardless of distance to school.

(c) By reason of being in a state prekindergarten program, regardless of distance from school.

(d) By reason of being career and technical, dual enrollment, or students with disabilities transported from one school center to another to participate in an instructional program or service; or students with disabilities, transported from one designation to another in the state, provided one designation is a school center and provided the student's individual educational plan (IEP) identifies the need for the instructional program or service and transportation to be provided by the school district. A "school center" is defined as a public school center, community college, state university, or other facility rented, leased, or owned and operated by the school district or another public agency. A "dual enrollment student" is defined as a public school student in membership in both a public secondary school program and a community college or a state university program under a written agreement to partially fulfill ss. 1003.435 and 1007.23 and earning full-time equivalent membership under

s. 1011.62(1)(i).

(e) With respect to elementary school students whose grade level does not exceed grade 6, by reason of being subjected to hazardous walking conditions en route to or from school as provided in s. 1006.23. Such rules shall, when appropriate, provide for the determination of membership under this paragraph for less than 1 year to accommodate the needs of students who require transportation only until such hazardous conditions are corrected.

(f) By reason of being a pregnant student or student parent, and the child of a student parent as provided in s. 1003.54, regardless of distance from school.

(2) The allocation for each district shall be calculated annually in accordance with the following formula:

T = B + EX. The elements of this formula are defined as follows: T is the total dollar allocation for transportation. B is the base transportation dollar allocation prorated by an adjusted student membership count. The adjusted membership count shall be derived from a multiplicative index function in which the base student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. EX is the base transportation dollar allocation for disabled students prorated by an adjusted disabled student membership count. The base transportation dollar allocation for disabled students is the total state base disabled student membership count weighted for increased costs associated with transporting disabled students and multiplying it by the prior year's average per student cost for transportation. The

adjusted disabled student membership count shall be derived from a multiplicative index function in which the weighted base disabled student membership is adjusted by multiplying it by index numbers that individually account for the impact of the price level index, average bus occupancy, and the extent of rural population in the district. Each adjustment factor shall be designed to affect the base allocation by no more or less than 10 percent.

(3) The total allocation to each district for transportation of students shall be the sum of the amounts determined in subsection (2). If the funds appropriated for the purpose of implementing this section are not sufficient to pay the base transportation allocation and the base transportation allocation for disabled students, the Department of Education shall prorate the available funds on a percentage basis. If the funds appropriated for the purpose of implementing this section exceed the sum of the base transportation allocation and the base transportation allocation for disabled students, the base transportation allocation for disabled students shall be limited to the amount calculated in subsection (2), and the remaining balance shall be added to the base transportation allocation.

(4) No district shall use funds to purchase transportation equipment and supplies at prices which exceed those determined by the department to be the lowest which can be obtained, as prescribed in s. 1006.27(1).

(5) Funds allocated or apportioned for the payment of student transportation services may be used to pay for transportation of students to and from school on local general purpose transportation systems. Student transportation funds may also be used to pay for transportation of students to and

from school in private passenger cars and boats when the transportation is for isolated students, or students with disabilities as defined by rule. Subject to the rules of the State Board of Education, each school district shall determine and report the number of assigned students using general purpose transportation private passenger cars and boats. The allocation per student must be equal to the allocation per student riding a school bus.

(6) Notwithstanding other provisions of this section, in no case shall any student or students be counted for transportation funding more than once per day. This provision includes counting students for funding pursuant to trips in school buses, passenger cars, or boats or general purpose transportation.

(7) Any funds received by a school district under this section that are not required to transport students may, at the discretion of the district school board, be transferred to the district's Florida Education Finance Program.

Section 661. Section 1011.69, Florida Statutes, is created to read:

1011.69 Equity in School-Level Funding Act.--

(1) This section may be cited as the "Equity in School-Level Funding Act."

(2)(a) Beginning in the 2000-2001 fiscal year, district school boards shall allocate to each school within the district at least 50 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(b) Beginning in the 2001-2002 fiscal year, district school boards shall allocate to each school within the district at least 65 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(c) Beginning in the 2002-2003 fiscal year, district school boards shall allocate to each school within the district at least 80 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

(d) Beginning in the 2003-2004 fiscal year, district school boards shall allocate to each school within the district at least 90 percent of the funds generated by that school based upon the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district's current operating discretionary millage levy.

Total funding for each school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the school during the full-time equivalent student survey periods designated by the Commissioner of Education. If the district school board is

providing programs or services to students funded by federal funds, any eligible students enrolled in the schools in the district shall be provided federal funds. Only those districts that initially applied for charter school district status, pursuant to s. 1003.62, and have been approved by the State Board of Education are exempt from the provisions of this section.

(3) Funds allocated to a school pursuant to this section that are unused at the end of the fiscal year shall not revert to the district, but shall remain with the school. These carryforward funds may be used for any purpose provided by law at the discretion of the principal of the school.

(4) Recommendations made by the Governor's Equity in Educational Opportunity Task Force shall be reviewed to identify potential categorical funds to be included in the district allocation methodology required in subsection (2).

(5) Funds appropriated in the General Appropriations Act for supplemental academic instruction to be used for the purposes described in s. 1011.62(1)(f) are excluded from the school-level allocation under this section.

Section 662. Section 1011.70, Florida Statutes, is created to read:

1011.70 Medicaid certified school funding maximization.--

(1) Each school district, subject to the provisions of ss. 409.9071 and 409.908(21) and this section, is authorized to certify funds provided for a category of required Medicaid services termed "school-based services," which are reimbursable under the federal Medicaid program. Such services shall include, but not be limited to, physical, occupational, and speech therapy services, behavioral health services,

mental health services, transportation services, Early Periodic Screening, Diagnosis, and Treatment (EPSDT) administrative outreach for the purpose of determining eligibility for exceptional student education, and any other such services, for the purpose of receiving federal Medicaid financial participation. Certified school funding shall not be available for the following services:

(a) Family planning.

(b) Immunizations.

(c) Prenatal care.

(2) The Department of Education shall monitor compliance of each participating school district with the Medicaid provider agreements. In addition, the department shall develop standardized recordkeeping procedures for the school districts that meet Medicaid requirements for audit purposes.

(3) Each school district's continued participation in certifying funds to be reimbursed for Medicaid expenditures is contingent upon the district providing to the department an annual accounting of how the federal Medicaid reimbursements are utilized.

(4) Funds generated pursuant to this section may be used for autism therapy services allowed by federal law.

(5) Developmental research schools, as authorized under s. 1002.32, shall be authorized to participate in the Medicaid certified school match program subject to the provisions of subsections (1)-(4) and ss. 409.9071 and 409.908(21).

Section 663. Section 1011.71, Florida Statutes, is created to read:

1011.71 District school tax.--

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(9) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under the provisions of s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy. The millage rate prescribed shall exceed zero mills but shall not exceed the lesser of 1.6 mills or 25 percent of the millage which is required pursuant to s. 1011.62(4), exclusive of millage levied pursuant to subsection (2).

(2) In addition to the maximum millage levy as provided in subsection (1), each school board may levy not more than 2 mills against the taxable value for school purposes to fund:

(a) New construction and remodeling projects, as set forth in s. 1013.64(3)(b) and (6)(b) and included in the district's educational plant survey pursuant to s. 1013.31, without regard to prioritization, sites and site improvement or expansion to new sites, existing sites, auxiliary facilities, athletic facilities, or ancillary facilities.

(b) Maintenance, renovation, and repair of existing

1 school plants or of leased facilities to correct deficiencies
2 pursuant to s. 1013.15(2).
3 (c) The purchase, lease-purchase, or lease of school
4 buses; drivers' education vehicles; motor vehicles used for
5 the maintenance or operation of plants and equipment; security
6 vehicles; or vehicles used in storing or distributing
7 materials and equipment.
8 (d) The purchase, lease-purchase, or lease of new and
9 replacement equipment.
10 (e) Payments for educational facilities and sites due
11 under a lease-purchase agreement entered into by a district
12 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
13 not exceeding, in the aggregate, an amount equal to
14 three-fourths of the proceeds from the millage levied by a
15 district school board pursuant to this subsection.
16 (f) Payment of loans approved pursuant to ss. 1011.14
17 and 1011.15.
18 (g) Payment of costs directly related to complying
19 with state and federal environmental statutes, rules, and
20 regulations governing school facilities.
21 (h) Payment of costs of leasing relocatable
22 educational facilities, of renting or leasing educational
23 facilities and sites pursuant to s. 1013.15(2), or of renting
24 or leasing buildings or space within existing buildings
25 pursuant to s. 1013.15(4).
26
27 Violations of these expenditure provisions shall result in an
28 equal dollar reduction in the Florida Education Finance
29 Program (FEFP) funds for the violating district in the fiscal
30 year following the audit citation.
31 (3) These taxes shall be certified, assessed, and

collected as prescribed in s. 1011.04 and shall be expended as provided by law.

(4) Nothing in s. 1011.62(4)(a)1. shall in any way be construed to increase the maximum school millage levies as provided for in subsection (1).

(5)(a) It is the intent of the Legislature that, by July 1, 2003, revenue generated by the millage levy authorized by subsection (2) should be used only for the costs of construction, renovation, remodeling, maintenance, and repair of the educational plant; for the purchase, lease, or lease-purchase of equipment, educational plants, and construction materials directly related to the delivery of student instruction; for the rental or lease of existing buildings, or space within existing buildings, originally constructed or used for purposes other than education, for conversion to use as educational facilities; for the opening day collection for the library media center of a new school; for the purchase, lease-purchase, or lease of school buses; and for servicing of payments related to certificates of participation issued for any purpose prior to the effective date of this act. Costs associated with the lease-purchase of equipment, educational plants, and school buses may include the issuance of certificates of participation on or after the effective date of this act and the servicing of payments related to certificates so issued. For purposes of this section, "maintenance and repair" is defined in s. 1013.01.

(b) For purposes not delineated in paragraph (a) for which proceeds received from millage levied under subsection (2) may be legally expended, a district school board may spend no more than the following percentages of the amount the district spent for these purposes in fiscal year 1995-1996:

1 1. In fiscal year 2000-2001, 40 percent.
2 2. In fiscal year 2001-2002, 25 percent.
3 3. In fiscal year 2002-2003, 10 percent.
4 (c) Beginning July 1, 2003, revenue generated by the
5 millage levy authorized by subsection (2) must be used only
6 for the purposes delineated in paragraph (a).
7 (d) Notwithstanding any other provision of this
8 subsection, if through its adopted facilities work program a
9 district has clearly identified the need for an ancillary
10 plant, has provided opportunity for public input as to the
11 relative value of the ancillary plant versus an educational
12 plant, and has obtained public approval, the district may use
13 revenue generated by the millage levy authorized by subsection
14 (2) for the construction, renovation, remodeling, maintenance,
15 or repair of an ancillary plant.
16
17 A district that violates these expenditure restrictions shall
18 have an equal dollar reduction in funds appropriated to the
19 district under s. 1011.62 in the fiscal year following the
20 audit citation. The expenditure restrictions do not apply to
21 any school district that certifies to the Commissioner of
22 Education that all of the district's instructional space needs
23 for the next 5 years can be met from capital outlay sources
24 that the district reasonably expects to receive during the
25 next 5 years or from alternative scheduling or construction,
26 leasing, rezoning, or technological methodologies that exhibit
27 sound management.
28 (6) In addition to the maximum millage levied under
29 this section and the General Appropriations Act, a school
30 district may levy, by local referendum or in a general
31 election, additional millage for school operational purposes

up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 664. Section 1011.715, Florida Statutes, is created to read:

1011.715 Resolution regarding school capital outlay surcharge.--The resolution of a district school board providing for the imposition of the school capital outlay surtax authorized in s. 212.055(6) may include a covenant by the district school board to decrease the capital local school property tax levied pursuant to s. 1011.71(2) and to maintain that tax at the reduced millage as long as the surtax is in effect. The resolution may also provide that the surtax shall sunset on December 31 of any year in which the district school board levies the capital property tax under s. 1011.71(2) at a

millage rate in excess of the reduced millage rate promised in the resolution. Finally, if the surtax revenues are pledged to service bonded indebtedness, the district school board may covenant not to levy the capital property tax under s. 1011.71(2) at a millage rate in excess of the reduced millage rate promised in the resolution.

Section 665. Section 1011.72, Florida Statutes, is created to read:

1011.72 Levy based on interim assessment roll; reimbursement to state for additional taxes collected upon reconciliation of roll.--In any year in which the base student allocation has been guaranteed to school districts through the use of state funds, a school district which levied taxes based on an interim assessment roll shall be required to reimburse the state in an amount equal to the additional taxes collected upon reconciliation of that roll. Beginning with the distribution following the delinquency date of the supplemental bills, the state shall withhold all funds otherwise available to that school district from the appropriation to the Florida Education Finance Program until such time as the state is completely reimbursed.

Section 666. Section 1011.73, Florida Statutes, is created to read:

1011.73 District millage elections.--

(1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall

be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under s. 1011.71(6). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(3) HOLDING ELECTIONS.--All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(4) FORM OF BALLOT.--

(a) The district school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The district school board shall provide the wording of the substance of the measure and the ballot title

in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(5) QUALIFICATION OF ELECTORS.--All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(6) RESULTS OF ELECTION.--When the district school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(7) EXPENSES OF ELECTION.--The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the district school board.

Section 667. Section 1011.74, Florida Statutes, is created to read:

1011.74 Source and use of district capital improvement fund.--The district capital improvement fund shall consist of funds derived from the sale of school district bonds authorized in s. 17, Art. XII of the State Constitution of 1885 as amended, together with any other funds directed to be placed therein by rules of the State Board of Education, and other similar funds which are to be used for capital outlay purposes within the district.

Section 668. Section 1011.75, Florida Statutes, is created to read:

1011.75 Gifted education exemplary program grants.--

(1) This section shall be known and may be cited as the "Challenge Grant Program for the Gifted."

(2) There is hereby created a grant program for

education for the gifted which shall be administered by the Commissioner of Education in cooperation and consultation with appropriate organizations and associations concerned with education for the gifted and pursuant to rules adopted by the State Board of Education. The program may be implemented in any public school.

(3) Pursuant to policies and rules to be adopted by the State Board of Education, each district school board, two or more district school boards in cooperation, or a public school principal through the district school board may submit to the commissioner a proposed program designed to effectuate an exemplary program for education for the gifted in a school, district, or group of districts. Consideration for funding shall be given to proposed programs of district school boards that are developed with the cooperation of a community college or public or private college or university for the purpose of providing advanced accelerated instruction for public school students pursuant to s. 1003.435. In order to be approved, a program proposal must include:

(a) Clearly stated goals and objectives expressed, to the maximum extent possible, in measurable terms.

(b) Information concerning the number of students, teachers, and other personnel to be involved in the program.

(c) The estimated cost of the program and the number of years for which it is to be funded.

(d) Provisions for evaluation of the program and for its integration into the general curriculum and financial program of the school district or districts at the end of the funded period.

(e) Such other information and provisions as the commissioner requires.

(4) The commissioner shall review and approve, disapprove, or resubmit for modification all proposed programs for education for the gifted submitted. For those programs approved, the commissioner shall authorize distribution of funds equal to the cost of the program from funds appropriated to the Department of Education for exemplary program grants for education for the gifted as provided for by this section. These funds shall be in addition to any funds for education for the gifted provided pursuant to s. 1011.62.

Section 669. Section 1011.76, Florida Statutes, is created to read:

1011.76 Small School District Stabilization Program.--

(1) There is created the Small School District Stabilization Program to assist school districts in rural communities that document economic conditions or other significant community influences that negatively impact the school district. The purpose of the program is to provide technical assistance and financial support to maintain the stability of the educational program in the school district. A rural community means a county with a population of 75,000 or less; or a county with a population of 100,000 or less that is contiguous to a county with a population of 75,000 or less.

(2) In order to participate in this program, a school district must be located in a rural area of critical economic concern designated by the Executive Office of the Governor, and the district school board must submit a resolution to the Office of Tourism, Trade, and Economic Development requesting participation in the program. A rural area of critical economic concern must be a rural community, or a region composed of such, that has been adversely affected by an extraordinary economic event or a natural disaster or that

1 presents a unique economic development concern or opportunity
2 of regional impact. The resolution must be accompanied with
3 documentation of the economic conditions in the community,
4 provide information indicating the negative impact of these
5 conditions on the school district's financial stability, and
6 the school district must participate in a best financial
7 management practices review to determine potential
8 efficiencies that could be implemented to reduce program costs
9 in the district.
10 (3) The Office of Tourism, Trade, and Economic
11 Development, in consultation with the Department of Education,
12 shall review the resolution and other information required by
13 subsection (2) and determine whether the school district is
14 eligible to participate in the program. Factors influencing
15 the office's determination may include, but are not limited
16 to, reductions in the county tax roll resulting from business
17 closures or other causes, or a reduction in student enrollment
18 due to business closures or impacts in the local economy.
19 (4) Effective July 1, 2000, and thereafter, when the
20 Office of Tourism, Trade, and Economic Development authorizes
21 a school district to participate in the program, the
22 Legislature may give priority to that district for a best
23 financial management practices review in the school district,
24 subject to approval pursuant to s. 1008.35(7), to the extent
25 that funding is provided annually for such purpose in the
26 General Appropriations Act. The scope of the review shall be
27 as set forth in s. 1008.35.
28 (5) Effective July 1, 2000, and thereafter, the
29 Department of Education may award the school district a
30 stabilization grant intended to protect the district from
31 continued financial reductions. The amount of the grant will

be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Office of Tourism, Trade, and Economic Development may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community and may consult with Enterprise Florida, Inc., in developing a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

(6) Based on the availability of funds, the Office of Tourism, Trade, and Economic Development or the Department of Education may enter into contracts or issue grants necessary to implement the program.

Section 670. Section 1011.765, Florida Statutes, is created to read:

1011.765 Florida Academic Improvement Trust Fund matching grants.--

(1) MATCHING GRANTS.--The Florida Academic Improvement Trust Fund shall be utilized to provide matching grants to the Florida School for the Deaf and the Blind Endowment Fund and to any public school district education foundation that meets the requirements of this section and is recognized by the local school district as its designated K-12 education foundation.

(a) The State Board of Education shall adopt rules for the administration, submission, documentation, evaluation, and approval of requests for matching funds and for maintaining accountability for matching funds.

(b) Donations, state matching funds, or proceeds from

endowments established pursuant to this section shall be used at the discretion of the public school district education foundation or the Florida School for the Deaf and the Blind for academic achievement within the school district or school, and shall not be expended for the construction of facilities or for the support of interscholastic athletics. No public school district education foundation or the Florida School for the Deaf and the Blind shall accept or purchase facilities for which the state will be asked for operating funds unless the Legislature has granted prior approval for such acquisition.

(2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to the Florida Academic Improvement Trust Fund shall be allocated by the Department of Education in the following manner:

(a) For every year in which there is a legislative appropriation to the trust fund, an equal amount of the annual appropriation, to be determined by dividing the total legislative appropriation by the number of local education foundations as well as the Florida School for the Deaf and the Blind, must be reserved for each public school district education foundation and the Florida School for the Deaf and the Blind Endowment Fund to provide each foundation and the Florida School for the Deaf and the Blind with an opportunity to receive and match appropriated funds. Trust funds that remain unmatched by contribution on April 1 of any year shall be made available for matching by any public school district education foundation and by the Florida School for the Deaf and the Blind which shall have an opportunity to apply for excess trust funds prior to the award of such funds.

(b) Matching grants shall be proportionately allocated from the trust fund on the basis of matching each $4 of state

1 funds with $6 of private funds. To be eligible for matching, a
2 minimum of $4,500 must be raised from private sources.
3 (c) Funds sufficient to provide the match shall be
4 transferred from the state trust fund to the public school
5 education foundation or to the Florida School for the Deaf and
6 the Blind Endowment Fund upon notification that a
7 proportionate amount has been received and deposited by the
8 foundation or school into its own trust fund.
9 (d) If the total of the amounts to be distributed in
10 any quarter pursuant to this subsection exceeds the amount of
11 funds remaining from specific appropriations made for the
12 implementation of this section, all grants shall be
13 proportionately reduced so that the total of matching grants
14 distributed does not exceed available appropriations.
15 (3) GRANT ADMINISTRATION.--
16 (a) Each public school district education foundation
17 and the Florida School for the Deaf and the Blind
18 participating in the Florida Academic Improvement Trust Fund
19 shall separately account for all funds received pursuant to
20 this section, and may establish its own academic improvement
21 trust fund as a depository for the private contributions,
22 state matching funds, and earnings on investments of such
23 funds. State matching funds shall be transferred to the public
24 school district education foundation or to the Florida School
25 for the Deaf and the Blind Endowment Fund upon notification
26 that the foundation or school has received and deposited
27 private contributions that meet the criteria for matching as
28 provided in this section. The public school district education
29 foundations and the Florida School for the Deaf and the Blind
30 are responsible for the maintenance, investment, and
31 administration of their academic improvement trust funds.

(b) The public school district education foundations and the Florida School for the Deaf and the Blind shall be responsible for soliciting and receiving contributions to be deposited and matched with grants for academic achievement within the school district or school.

(c) Each public school district education foundation and the Florida School for the Deaf and the Blind shall be responsible for proper expenditure of the funds received pursuant to this section.

Section 671. Section 1011.77, Florida Statutes, is created to read:

1011.77 Special laws and general laws of local application prohibited.--

(1) Pursuant to s. 11(a)(21), Art. III of the State Constitution, the Legislature hereby prohibits special laws and general laws of local application pertaining to:

(a) The assessment or collection of taxes for school purposes insofar as it may affect the distribution of state funds, including the determination of millages therefor, the extension of time therefor, relief of tax officers from due performance of their duties, and relief of their sureties from liability.

(b) The Florida Education Finance Program as enacted in 1973 or as subsequently amended.

(2) The department shall determine whether any district has received additional funds subsequent to June 30, 1973, as a result of any special law or general law of local application described in subsection (1) and shall deduct an amount equal to any such additional funds from allocations to that district.

Section 672. Part III of chapter 1011, Florida

Statutes, shall be entitled "Funding for Workforce Education" and shall consist of ss. 1011.80-1011.801.

Section 673. Section 1011.80, Florida Statutes, is created to read:

1011.80 Funds for operation of adult technical education programs.--

(1) As used in this section, the terms "workforce development education" and "workforce development program" include:

(a) Adult general education programs designed to improve the employability skills of the state's workforce as defined in s. 1004.02(5).

(b) Career and technical certificate programs, as defined in s. 1004.02(23).

(c) Applied technology diploma programs.

(d) Continuing workforce education courses.

(e) Degree technical education programs.

(f) Apprenticeship and preapprenticeship programs as defined in s. 446.021.

(2) Any workforce development education program may be conducted by a community college or a school district, except that college credit in an associate in applied science or an associate in science degree may be awarded only by a community college. However, if an associate in applied science or an associate in science degree program contains within it an occupational completion point that confers a certificate or an applied technology diploma, that portion of the program may be conducted by a school district technical center. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education pursuant to s. 1007.25.

(3) If a program for disabled adults pursuant to s. 1004.93 is a workforce development program as defined in law, it must be funded as provided in this section.

(4) The Florida Workforce Development Education Fund is created to provide performance-based funding for all workforce development programs, whether the programs are offered by a school district or a community college. Funding for all workforce development education programs must be from the Workforce Development Education Fund and must be based on cost categories, performance output measures, and performance outcome measures.

(a) The cost categories must be calculated to identify high-cost programs, medium-cost programs, and low-cost programs. The cost analysis used to calculate and assign a program of study to a cost category must include at least both direct and indirect instructional costs, consumable supplies, equipment, and standard program length.

(b)1. The performance output measure for career and technical education programs of study is student completion of a career and technical program of study that leads to an occupational completion point associated with a certificate; an apprenticeship program; or a program that leads to an applied technology diploma or an associate in applied science or associate in science degree. Performance output measures for registered apprenticeship programs shall be based on program lengths that coincide with lengths established pursuant to the requirements of chapter 446.

2. The performance output measure for an adult general education course of study is measurable improvement in student skills. This measure shall include improvement in literacy skills, grade level improvement as measured by an approved

test, or attainment of a State of Florida diploma or an adult high school diploma.

(c) The performance outcome measures for programs funded through the Workforce Development Education Fund are associated with placement and retention of students after reaching a completion point or completing a program of study. These measures include placement or retention in employment that is related to the program of study; placement into or retention in employment in an occupation on the Workforce Estimating Conference list of high-wage, high-skill occupations with sufficient openings, or other High Wage/High Skill Program occupations as determined by Workforce Florida, Inc.; and placement and retention of participants or former participants in the welfare transition program in employment. Continuing postsecondary education at a level that will further enhance employment is a performance outcome for adult general education programs. Placement and retention must be reported pursuant to ss. 1008.39 and 1008.43.

(5) State funding and student fees for workforce development instruction funded through the Workforce Development Education Fund shall be established as follows:

(a) For a continuing workforce education course, state funding shall equal 50 percent of the cost of instruction, with student fees, business support, quick-response training funds, or other means making up the remaining 50 percent.

(b) For all other workforce development education funded through the Workforce Development Education Fund, state funding shall equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees. Fees for courses within a program shall not vary according to the cost of the individual program, but instead

shall be based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, unless otherwise specified in the General Appropriations Act.

(c) For fee-exempt students pursuant to s. 1009.25, unless otherwise provided for in law, state funding shall equal 100 percent of the average cost of instruction.

(6)(a) A school district or a community college that provides workforce development education funded through the Workforce Development Education Fund shall receive funds in accordance with distributions for base and performance funding established by the Legislature in the General Appropriations Act, pursuant to the following conditions:

1. Base funding shall not exceed 85 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on a maximum of 85 percent of the institution's prior year total allocation from base and performance funds.

2. Performance funding shall be at least 15 percent of the current fiscal year total Workforce Development Education Fund allocation, which shall be distributed by the Legislature in the General Appropriations Act based on the previous fiscal year's achievement of output and outcomes in accordance with formulas adopted pursuant to subsection (9). Performance funding must incorporate payments for at least three levels of placements that reflect wages and workforce demand. Payments for completions must not exceed 60 percent of the payments for placement. School districts and community colleges shall be awarded funds pursuant to this paragraph based on performance output data and performance outcome data available in that year.

3. If a local educational agency achieves a level of performance sufficient to generate a full allocation as authorized by the workforce development funding formula, the agency may earn performance incentive funds as appropriated for that purpose in a General Appropriations Act. If performance incentive funds are funded and awarded, these funds must be added to the local educational agency's prior year total allocation from the Workforce Development Education Fund and shall be used to calculate the following year's base funding.

(b) A program is established to assist school districts and community colleges in responding to the needs of new and expanding businesses and thereby strengthening the state's workforce and economy. The program may be funded in the General Appropriations Act. A school district or community college may expend funds under the program without regard to performance criteria set forth in subparagraph (a)2. The district or community college shall use the program to provide customized training for businesses which satisfies the requirements of s. 288.047. Business firms whose employees receive the customized training must provide 50 percent of the cost of the training. Balances remaining in the program at the end of the fiscal year shall not revert to the general fund, but shall be carried over for 1 additional year and used for the purpose of serving incumbent worker training needs of area businesses with fewer than 100 employees. Priority shall be given to businesses that must increase or upgrade their use of technology to remain competitive.

(7) A school district or community college that earns performance funding must use the money to benefit the postsecondary adult and technical education programs it

provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce development program improvement. The district school board or community college board of trustees may not withhold any portion of the performance funding for indirect costs. Notwithstanding s. 216.351, funds awarded pursuant to this section may be carried across fiscal years and shall not revert to any other fund maintained by the district school board or community college board of trustees.

(8) The State Board of Education and Workforce Florida, Inc., shall provide the Legislature with recommended formulas, criteria, timeframes, and mechanisms for distributing performance funds. The commissioner shall consolidate the recommendations and develop a consensus proposal for funding. The Legislature shall adopt a formula and distribute the performance funds to the State Board of Education for community colleges and school districts through the General Appropriations Act. These recommendations shall be based on formulas that would discourage low-performing or low-demand programs and encourage through performance-funding awards:

(a) Programs that prepare people to enter high-wage occupations identified by the Workforce Estimating Conference created by s. 216.136 and other programs as approved by Workforce Florida, Inc. At a minimum, performance incentives shall be calculated for adults who reach completion points or complete programs that lead to specified high-wage employment and to their placement in that employment.

(b) Programs that successfully prepare adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers for

high-wage occupations. At a minimum, performance incentives shall be calculated at an enhanced value for the completion of adults identified in this paragraph and job placement of such adults upon completion. In addition, adjustments may be made in payments for job placements for areas of high unemployment.

(c) Programs that are specifically designed to be consistent with the workforce needs of private enterprise and regional economic development strategies, as defined in guidelines set by Workforce Florida, Inc. Workforce Florida, Inc., shall develop guidelines to identify such needs and strategies based on localized research of private employers and economic development practitioners.

(d) Programs identified by Workforce Florida, Inc., as increasing the effectiveness and cost efficiency of education.

(9) A high school student dually enrolled under s. 1007.271 in a workforce development program funded through the Workforce Development Education Fund and operated by a community college or school district technical center generates the amount calculated by the Workforce Development Education Fund, including any payment of performance funding, and the proportional share of full-time equivalent enrollment generated through the Florida Education Finance Program for the student's enrollment in a high school. If a high school student is dually enrolled in a community college program, including a program conducted at a high school, the community college earns the funds generated through the Workforce Development Education Fund and the school district earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a technical center operated by the same district as the district in which the student attends high school, that

district earns the funds generated through the Workforce Development Education Fund and also earns the proportional share of full-time equivalent funding from the Florida Education Finance Program. If a student is dually enrolled in a workforce development program provided by a technical center operated by a different school district, the funds must be divided between the two school districts proportionally from the two funding sources. A student may not be reported for funding in a dual enrollment workforce development program unless the student has completed the basic skills assessment pursuant to s. 1004.91.

(10) The State Board of Education may adopt rules to administer this section.

Section 674. Section 1011.801, Florida Statutes, is created to read:

1011.801 Workforce Development Capitalization Incentive Grant Program.--The Legislature recognizes that the need for school districts and community colleges to be able to respond to emerging local or statewide economic development needs is critical to the workforce development system. The Workforce Development Capitalization Incentive Grant Program is created to provide grants to school districts and community colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs.

(1) Funds awarded for a workforce development capitalization incentive grant may be used for instructional equipment, laboratory equipment, supplies, personnel, student services, or other expenses associated with the creation or expansion of a workforce development program. Expansion of a

program may include either the expansion of enrollments in a program or expansion into new areas of specialization within a program. No grant funds may be used for recurring instructional costs or for institutions' indirect costs.

(2) The State Board of Education shall accept applications from school districts or community colleges for workforce development capitalization incentive grants. Applications from school districts or community colleges shall contain projected enrollments and projected costs for the new or expanded workforce development program. The State Board of Education, in consultation with the Workforce Florida, Inc., shall review and rank each application for a grant according to subsection (3) and shall submit to the Legislature a list in priority order of applications recommended for a grant award.

(3) The State Board of Education shall give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Workforce Estimating Conference and other programs approved by Workforce Florida, Inc.; programs that train people to enter occupations under the welfare transition program; or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers. The State Board of Education shall consider the statewide geographic dispersion of grant funds in ranking the applications and shall give priority to applications from education agencies that are making maximum use of their workforce development funding by offering high-performing, high-demand programs.

Section 675. Part IV of chapter 1011, Florida Statutes, shall be entitled "Funding for Community Colleges"

and shall consist of ss. 1011.81-1011.86.

Section 676. Section 1011.81, Florida Statutes, is created to read:

1011.81 Community College Program Fund.--There is established a Community College Program Fund. This fund shall comprise all appropriations made by the Legislature for the support of the current operating program and shall be apportioned and distributed to the community college districts of the state on the basis of procedures established by law and rules of the State Board of Education. The annual apportionment for each community college district shall be distributed monthly in payments as nearly equal as possible.

Section 677. Section 1011.82, Florida Statutes, is created to read:

1011.82 Requirements for participation in Community College Program Fund.--Each community college district which participates in the state appropriations for the Community College Program Fund shall provide evidence of its effort to maintain an adequate community college program which shall:

(1) Meet the minimum standards prescribed by the State Board of Education in accordance with s. 1001.02(9).

(2) Effectively fulfill the mission of the community colleges in accordance with s. 1004.65.

Section 678. Section 1011.83, Florida Statutes, is created to read:

1011.83 Financial support of community colleges.--Each community college that has been approved by the Department of Education and meets the requirements of law and rules of the State Board of Education shall participate in the community college program fund. However, funds to support workforce development programs conducted by community colleges shall be

provided by the Workforce Development Education Fund pursuant to s. 1011.80.

Section 679. Section 1011.84, Florida Statutes, is created to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each community college district.--The procedure for determining state financial support and the annual apportionment to each community college district authorized to operate a community college under the provisions of s. 1001.61 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.--

(a) The Department of Education shall determine annually from an analysis of operating costs, prepared in the manner prescribed by rules of the State Board of Education, the costs per full-time equivalent student served in courses and fields of study offered in community colleges. This information and current college operating budgets shall be submitted to the Executive Office of the Governor with the legislative budget request prior to each regular session of the Legislature.

(b) The allocation of funds for community colleges shall be based on advanced and professional disciplines, college-preparatory programs, and other programs for adults funded pursuant to s. 1011.80.

(c) The category of lifelong learning is for students enrolled pursuant to s. 1004.93. A student shall also be reported as a lifelong learning student for his or her enrollment in any course that he or she has previously taken,

unless it is a credit course in which the student earned a grade of D or F.

(d) If an adult student has been determined to be a disabled student eligible for an approved educational program for disabled adults provided pursuant to s. 1004.93 and rules of the State Board of Education and is enrolled in a class with curriculum frameworks developed for the program, state funding for that student shall be provided at a level double that of a student enrolled in a special adult general education program provided by a community college.

(e) The State Board of Education shall adopt rules to implement s. 9(d)(8)f., Art. XII of the State Constitution. These rules shall provide for the use of the funds available under s. 9(d)(8)f., Art. XII by an individual community college for operating expense in any fiscal year during which the State Board of Education has determined that all major capital outlay needs have been met. Highest priority for the use of these funds for purposes other than financing approved capital outlay projects shall be for the proper maintenance and repair of existing facilities for projects approved by the State Board of Education. However, in any fiscal year in which funds from this source are authorized for operating expense other than approved maintenance and repair projects, the allocation of community college program funds shall be reduced by an amount equal to the sum used for such operating expense for that community college that year, and that amount shall not be released or allocated among the other community colleges that year.

(2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL OUTLAY AND DEBT SERVICE.--The amount included for capital outlay and debt service shall be as determined and provided in

1 s. 18, Art. XII of the State Constitution of 1885, as adopted
2 by s. 9(d), Art. XII of the 1968 revised State Constitution
3 and State Board of Education rules.
4 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--
5 (a) By December 15 of each year, the Department of
6 Education shall estimate the annual enrollment of each
7 community college for the current fiscal year and for the 6
8 subsequent fiscal years. These estimates shall be based upon
9 prior years' enrollments, upon the initial fall term
10 enrollments for the current fiscal year for each college, and
11 upon each college's estimated current enrollment and
12 demographic changes in the respective community college
13 districts.
14 (b) The apportionment to each community college from
15 the Community College Program Fund shall be determined
16 annually in the General Appropriations Act. In determining
17 each college's apportionment, the Legislature shall consider
18 the following components:
19 1. Base budget, which includes the state appropriation
20 to the Community College Program Fund in the current year plus
21 the related student tuition and out-of-state fees assigned in
22 the current General Appropriations Act.
23 2. The cost-to-continue allocation, which consists of
24 incremental changes to the base budget, including salaries,
25 price levels, and other related costs allocated through a
26 funding model approved by the Legislature which may recognize
27 differing economic factors arising from the individual
28 educational approaches of the various community colleges,
29 including, but not limited to:
30 a. Direct Instructional Funding, including class size,
31 faculty productivity factors, average faculty salary, ratio of

full-time to part-time faculty, costs of programs, and enrollment factors.

b. Academic Support, including small colleges factor, multicampus factor, and enrollment factor.

c. Student Services Support, including headcount of students as well as FTE count and enrollment factors.

d. Library Support, including volume and other materials/audiovisual requirements.

e. Special Projects.

f. Operations and Maintenance of Plant, including square footage and utilization factors.

g. District Cost Differential.

3. Students enrolled in a recreation and leisure program and students enrolled in a lifelong learning program who may not be counted as full-time equivalent enrollments for purposes of enrollment workload adjustments.

4. Operating costs of new facilities adjustments, which shall be provided, from funds available, for each new facility that is owned by the college and is recommended in accordance with s. 1013.31.

5. New and improved program enhancements, which shall be determined by the Legislature.

Student fees in the base budget plus student fee revenues generated by increases in fee rates shall be deducted from the sum of the components determined in subparagraphs 1.-5. The amount remaining shall be the net annual state apportionment to each college.

(c) No community college shall commit funds for the employment of personnel or resources in excess of those required to continue the same level of support for either the

previously approved enrollment or the revised enrollment, whichever is lower.

(d) The apportionment to each community college district for capital outlay and debt service shall be the amount determined in accordance with subsection (2). This amount, less any amount determined as necessary for administrative expense by the State Board of Education and any amount necessary for debt service on bonds issued by the State Board of Education, shall be transmitted to the community college board of trustees to be expended in a manner prescribed by rules of the State Board of Education.

(e) If at any time the unencumbered balance in the general fund of the community college board of trustees approved operating budget goes below 5 percent, the president shall provide written notification to the State Board of Education.

(f) Expenditures for apprenticeship programs shall be reported separately.

(4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds allocated herein to any community college shall be expended only for the purpose of supporting that community college.

(5) REPORT OF REMEDIAL EDUCATION.--Each community college board of trustees shall report the volume and cost of remedial education activities as a separate item in its annual cost accounting system.

Section 680. Section 1011.85, Florida Statutes, is created to read:

1011.85 Dr. Philip Benjamin Matching Grant Program for Community Colleges.--

(1) There is created the Dr. Philip Benjamin Matching Grant Program for Community Colleges as a single matching

gifts program that encompasses the goals originally set out in the Academic Improvement Program, the Scholarship Matching Program, and the Health Care Education Quality Enhancement Challenge Grant. The program shall be administered according to rules of the State Board of Education and used to encourage private support in enhancing community colleges by providing the community college system with the opportunity to receive and match challenge grants. Funds received prior to the effective date of this act for each of the three programs shall be retained in the separate account for which it was designated.

(2) Each community college board of trustees receiving state appropriations under this program shall approve each gift to ensure alignment with the unique mission of the community college. The board of trustees must link all requests for a state match to the goals and mission statement. The Florida Community College Foundation Board receiving state appropriations under this program shall approve each gift to ensure alignment with its goals and mission statement.

(3) Upon approval by the community college board of trustees and the State Board of Education, the ordering of donations for priority listing of unmatched gifts should be determined by the submitting community college.

(4) Each year, eligible contributions received by a community college's foundation or the State Board of Education by February 1 shall be eligible for state matching funds.

(a) Each community college board of trustees and, when applicable, the Florida Community College Foundation Board, receiving state appropriations under this program shall also certify in an annual report to the State Board of Education the receipt of eligible cash contributions that were

previously unmatched by the state. The State Board of Education shall adopt rules providing all community colleges with an opportunity to apply for excess funds before the awarding of such funds.

(b) Community colleges must submit to the State Board of Education an annual expenditure report tracking the use of all matching funds.

(c) The audit of each foundation receiving state funds from this program must include a certification of accuracy in the amount reported for matching funds.

(5) The matching ratio for donations that are specifically designated to support scholarships, student loans, or need-based grants shall be $1 of state funds to $1 of local private funds.

(6) Otherwise, funds shall be proportionately allocated to the community colleges on the basis of matching each $6 of local or private funds with $4 of state funds. To be eligible, a minimum of $4,500 must be raised from private sources.

(7) The community college board of trustees, in conjunction with the donor, shall make the determination of whether scholarships established pursuant to this program are endowed.

(8)(a) Funds sufficient to provide the match shall be transferred from the state appropriations to the local community college foundation or the statewide community college foundation upon notification that a proportionate amount has been received and deposited by a community college in its own trust fund.

(b) If state funds appropriated for the program are insufficient to match contributions, the amount allocated

shall be reduced in proportion to its share of the total eligible contributions. However, in making proportional reductions, every community college shall receive a minimum of $75,000 in state matching funds if its eligible contributions would have generated an amount at least equal to $75,000. All unmet contributions shall be eligible for state matching funds in subsequent fiscal years.

(9) Each community college entity shall establish its own matching grant program fund as a depository for the private contributions and matching state funds provided under this section. Community college foundations are responsible for the maintenance, investment, and administration of their matching grant program funds.

(10) The State Board of Education may receive submissions of requests for matching funds and documentation relating to those requests, may approve requests for matching funds, and may allocate such funds to the community colleges.

(11) The board of trustees of the community college and the State Board of Education are responsible for determining the uses for the proceeds of their respective trust funds. Such use of the proceeds shall include, but not be limited to, expenditure of the funds for:

(a) Scientific and technical equipment.

(b) Scholarships, loans, or need-based grants.

(c) Other activities that will benefit future students as well as students currently enrolled at the community college, will improve the quality of education at the community college, or will enhance economic development in the community.

Section 681. Section 1011.86, Florida Statutes, is created to read:

1011.86 Educational leadership enhancement grants.--

(1) State universities and community colleges may submit proposals for educational leadership enhancement grants to the Commissioner of Education. Proposals shall be funded competitively.

(2) To be eligible for funding, proposals must create programs designed to strengthen the academic and professional coursework or executive management preparation of women and minorities.

(3) Each proposal must include specific measurable goals and objectives.

(4) The State Board of Education may adopt any rules necessary to implement the provisions of this grant program.

(5) The grant program shall be implemented to the extent funded in the General Appropriations Act.

Section 682. Part V of chapter 1011, Florida Statutes, shall be entitled "Funding for Universities" and shall consist of ss. 1011.90-1011.94.

Section 683. Section 1011.90, Florida Statutes, is created to read:

1011.90 State university funding.--

(1) Planned enrollments for each university as accepted or modified by the Legislature and program cost categories shall be the basis for the allocation of appropriated funds to the universities.

(2) In addition to enrollment-based appropriations, categorical programs shall be established in universities which are not directly related to planned student enrollment. Such programs shall be based upon the assigned missions of the institutions and shall include, but not be limited to, research and public service programs and authority to spend

fee revenues collected pursuant to subsection (5) and s. 1009.24. Appropriations by the Legislature and allocations to universities shall be based upon full costs, as determined pursuant to subsection (1), and priorities established by the Legislature.

(3) The Legislature by line item in an appropriations act may identify programs of extraordinary quality for the utilization of state funds to be matched by nonstate and nonfederal sources.

(4) The State Board of Education shall establish and validate a cost-estimating system consistent with the requirements of subsection (1) and shall report as part of its legislative budget request the actual expenditures for the fiscal year ending the previous June 30. Expenditure analysis, operating budgets, and annual financial statements of each university must be prepared using the standard financial reporting procedures and formats prescribed by the State Board of Education. These formats shall be the same as used for the 2000-2001 fiscal year reports. Any revisions to these financial and reporting procedures and formats must be approved by the Executive Office of the Governor and the appropriations committees of the Legislature jointly under the provisions of s. 216.023(3). The State Board of Education shall continue to collect and maintain at a minimum the management information databases existing on June 30, 2002. The expenditure analysis report shall include total expenditures from all sources for the general operation of the university and shall be in such detail as needed to support the legislative budget request.

(5) If the actual enrollment for any university is less than planned enrollment by more than 5 percent for any 2

consecutive fiscal years, the university enrollment plan for the next year shall be reduced. If actual enrollment exceeds planned enrollment by more than 5 percent, an explanation of the excess shall be provided with the next year's enrollment plan. The analysis of enrollment conducted for implementing this subsection shall be based on the categories of enrollment used in the education and general appropriation.

Section 684. Section 1011.91, Florida Statutes, is created to read:

1011.91 Additional appropriation.--

(1) All moneys received by universities, other than from state and federal sources, from student building and capital improvement fees, and from vending machine collections, are hereby appropriated to the use of the respective universities collecting same, to be expended as the university board of trustees may direct; however, the funds shall not be expended except in pursuance of detailed budgets filed with the State Board of Education and shall not be expended for the construction or reconstruction of buildings except as provided under s. 1013.74.

(2) All moneys received from vending machine collections by universities shall be expended only as set forth in detailed budgets approved by the State Board of Education.

(3)(a) All moneys received by universities for the Auxiliary Enterprises and Contracts, Grants and Donations budget entities, and the self-insurance program authorized in s. 1004.24, shall be exempt from the requirements of s. 216.023.

(b) No new state appropriation shall be obligated as a source of matching funds for potential federal or private

contracts or grants. Upon the termination of any federal or private contracts or grants, the state shall not be obligated to provide continued funding for personnel or project costs related to such contracts or grants.

Section 685. Section 1011.93, Florida Statutes, is created to read:

1011.93 Pari-mutuel wagering funded research and development programs.--Each fiscal year, the first $250,000 of the funds credited to the Pari-mutuel Wagering Trust Fund shall be used to fund the establishment and implementation of research and development programs at the University of Florida. The University of Florida shall administer the distribution of the funds. These programs must include, but are not limited to:

(1) Research related to the breeding, health, feeding, or training of dogs and horses.

(2) Development of continuing education programs for individuals involved in the care and treatment of dogs and horses at pari-mutuel facilities.

(3) Establishment of a postmortem evaluation program for break-down injuries of dogs and horses.

(4) Research and development of helmet safety and the improvement of jai alai equipment.

Section 686. Section 1011.94, Florida Statutes, is created to read:

1011.94 Trust Fund for University Major Gifts.--

(1) There is established a Trust Fund for University Major Gifts. The purpose of the trust fund is to enable each university and New College to provide donors with an incentive in the form of matching grants for donations for the establishment of permanent endowments, which must be invested,

with the proceeds of the investment used to support libraries and instruction and research programs, as defined by procedure of the State Board of Education. All funds appropriated for the challenge grants, new donors, major gifts, or eminent scholars program must be deposited into the trust fund and invested pursuant to s. 18.125 until the State Board of Education allocates the funds to universities to match private donations. Notwithstanding s. 216.301 and pursuant to s. 216.351, any undisbursed balance remaining in the trust fund and interest income accruing to the portion of the trust fund which is not matched and distributed to universities must remain in the trust fund and be used to increase the total funds available for challenge grants. The State Board of Education may authorize any university to encumber the state matching portion of a challenge grant from funds available under s. 1011.45.

(2) The State Board of Education shall specify the process for submission, documentation, and approval of requests for matching funds, accountability for endowments and proceeds of endowments, allocations to universities, restrictions on the use of the proceeds from endowments, and criteria used in determining the value of donations.

(3)(a) The State Board of Education shall allocate the amount appropriated to the trust fund to each university and New College based on the amount of the donation and the restrictions applied to the donation.

(b) Donations for a specific purpose must be matched in the following manner:

1. Each university that raises at least $100,000 but no more than $599,999 from a private source must receive a matching grant equal to 50 percent of the private

contribution.

2. Each university that raises a contribution of at least $600,000 but no more than $1 million from a private source must receive a matching grant equal to 70 percent of the private contribution.

3. Each university that raises a contribution in excess of $1 million but no more than $1.5 million from a private source must receive a matching grant equal to 75 percent of the private contribution.

4. Each university that raises a contribution in excess of $1.5 million but no more than $2 million from a private source must receive a matching grant equal to 80 percent of the private contribution.

5. Each university that raises a contribution in excess of $2 million from a private source must receive a matching grant equal to 100 percent of the private contribution.

(c) The State Board of Education shall encumber state matching funds for any pledged contributions, pro rata, based on the requirements for state matching funds as specified for the particular challenge grant and the amount of the private donations actually received by the university for the respective challenge grant.

(4) Matching funds may be provided for contributions encumbered or pledged under the Eminent Scholars Act prior to July 1, 1994, and for donations or pledges of any amount equal to or in excess of the prescribed minimums which are pledged for the purpose of this section.

(5)(a) Each university foundation and New College Foundation shall establish a challenge grant account for each challenge grant as a depository for private contributions and

state matching funds to be administered on behalf of the State Board of Education, the university, or New College. State matching funds must be transferred to a university foundation or New College Foundation upon notification that the university or New College has received and deposited the amount specified in this section in a foundation challenge grant account.

(b) The foundation serving a university and New College Foundation each has the responsibility for the maintenance and investment of its challenge grant account and for the administration of the program on behalf of the university or New College, pursuant to procedures specified by the State Board of Education. Each foundation shall include in its annual report to the State Board of Education information concerning collection and investment of matching gifts and donations and investment of the account.

(c) A donation of at least $600,000 and associated state matching funds may be used to designate an Eminent Scholar Endowed Chair pursuant to procedures specified by the State Board of Education.

(6) The donations, state matching funds, or proceeds from endowments established under this section may not be expended for the construction, renovation, or maintenance of facilities or for the support of intercollegiate athletics.

Section 687. Chapter 1012, Florida Statutes, shall be entitled "Personnel" and shall consist of ss. 1012.01-1012.992.

Section 688. Part I of chapter 1012, Florida Statutes, shall be entitled "General Provisions" and shall consist of s. 1012.01.

Section 689. Section 1012.01, Florida Statutes, is

created to read:

1012.01 K-12 definitions.--Specific definitions shall be as follows, and wherever such defined words or terms are used in the Florida K-20 Education Code, they shall be used as follows:

(1) SCHOOL OFFICERS.--The officers of the state system of public education shall be the Commissioner of Education and the members of the State Board of Education; and, for each district school system, the officers shall be the district school superintendent and members of the district school board.

(2) INSTRUCTIONAL PERSONNEL.--"Instructional personnel" means any staff member whose function includes the provision of direct instructional services to students. Instructional personnel also includes personnel whose functions provide direct support in the learning process of students. Included in the classification of instructional personnel are:

(a) Classroom teachers.--Classroom teachers are staff members assigned the professional activity of instructing students in courses in classroom situations, including basic instruction, exceptional student education, career and technical education, and adult education, including substitute teachers.

(b) Student personnel services.--Student personnel services include staff members responsible for: advising students with regard to their abilities and aptitudes, educational and occupational opportunities, and personal and social adjustments; providing placement services; performing educational evaluations; and similar functions. Included in this classification are guidance counselors, social workers,

occupational/placement specialists, and school psychologists.

(c) Librarians/media specialists.--Librarians/media specialists are staff members responsible for providing school library media services. These employees are responsible for evaluating, selecting, organizing, and managing media and technology resources, equipment, and related systems; facilitating access to information resources beyond the school; working with teachers to make resources available in the instructional programs; assisting teachers and students in media productions; and instructing students in the location and use of information resources.

(d) Other instructional staff.--Other instructional staff are staff members who are part of the instructional staff but are not classified in one of the categories specified in paragraphs (a)-(c). Included in this classification are primary specialists, learning resource specialists, instructional trainers, adjunct educators certified pursuant to s. 1012.57, and similar positions.

(e) Education paraprofessionals.--Education paraprofessionals are individuals who are under the direct supervision of an instructional staff member, aiding the instructional process. Included in this classification are classroom paraprofessionals in regular instruction, exceptional education paraprofessionals, career education paraprofessionals, adult education paraprofessionals, library paraprofessionals, physical education and playground paraprofessionals, and other school-level paraprofessionals.

(3) ADMINISTRATIVE PERSONNEL.--"Administrative personnel" includes personnel who perform management activities such as developing broad policies for the school district and executing those policies through the direction of

personnel at all levels within the district. Administrative personnel are generally high-level, responsible personnel who have been assigned the responsibilities of systemwide or schoolwide functions, such as district school superintendents, assistant superintendents, deputy superintendents, school principals, assistant principals, technical center directors, and others who perform management activities. Broad classifications of administrative personnel are as follows:

(a) District-based instructional administrators.--Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the instructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major instructional areas, such as curriculum, federal programs such as Title I, specialized instructional program areas such as exceptional student education, career and technical education, and similar areas.

(b) District-based noninstructional administrators.--Included in this classification are persons with district-level administrative or policymaking duties who have broad authority for management policies and general school district operations related to the noninstructional program. Such personnel often report directly to the district school superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction,

facilities, transportation, data processing, and finance.

(c) School administrators.--Included in this classification are:

1. School principals or school directors who are staff members performing the assigned activities as the administrative head of a school and to whom have been delegated responsibility for the coordination and administrative direction of the instructional and noninstructional activities of the school. This classification also includes technical center directors.

2. Assistant principals who are staff members assisting the administrative head of the school. This classification also includes assistant principals for curriculum and administration.

(4) YEAR OF SERVICE.--The minimum time which may be recognized in administering the state program of education, not including retirement, as a year of service by a school employee shall be full-time actual service; and, beginning July 1963, such service shall also include sick leave and holidays for which compensation was received but shall exclude all other types of leave and holidays for a total of more than one-half of the number of days required for the normal contractual period of service for the position held, which shall be 196 days or longer, or the minimum required for the district to participate in the Florida Education Finance Program in the year service was rendered, or the equivalent for service performed on a daily or hourly basis; provided, further, that absence from duty after the date of beginning service shall be covered by leave duly authorized and granted; further, the school board shall have authority to establish a different minimum for local district school purposes.

(5) SCHOOL VOLUNTEER.--A school volunteer is any nonpaid person who may be appointed by a district school board or its designee. School volunteers may include, but may not be limited to, parents, senior citizens, students, and others who assist the teacher or other members of the school staff.

(6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational support employees" means employees whose job functions are neither administrative nor instructional, yet whose work supports the educational process.

(a) Other professional staff or nonadministrative/noninstructional employees are staff members who perform professional job functions which are nonadministrative/noninstructional in nature and who are not otherwise classified in this section. Included in this classification are employees such as doctors, nurses, attorneys, certified public accountants, and others appropriate to the classification.

(b) Technicians are individuals whose occupations require a combination of knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and community colleges, or through equivalent on-the-job training.

(c) Clerical/secretarial workers are individuals whose job requires skills and training in clerical-type work, including activities such as preparing, transcribing, systematizing, or preserving written communications and reports or operating equipment performing those functions. Included in this classification are secretaries, bookkeepers, messengers, and office machine operators.

(d) Skilled crafts workers are individuals who perform jobs which require special manual skill and a thorough and

comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Lead workers for the various skilled crafts areas shall be included in this classification.

(e) Service workers are staff members performing a service for which there are no formal qualifications, including those responsible for: cleaning the buildings, school plants, or supporting facilities; maintenance and operation of such equipment as heating and ventilation systems; preserving the security of school property; and keeping the school plant safe for occupancy and use. Lead workers in the various service areas shall be included in this broad classification.

(7) MANAGERS.--"Managers" includes those staff members who perform managerial and supervisory functions while usually also performing general operations functions. Managers may be either instructional or noninstructional in their responsibility. They may direct employees' work, plan the work schedule, control the flow and distribution of work or materials, train employees, handle complaints, authorize payments, and appraise productivity and efficiency of employees. This classification includes coordinators and supervisors working under the general direction of those staff identified as district-based instructional or noninstructional administrators.

Section 690. Part II of chapter 1012, Florida Statutes, shall be entitled "K-20 Personnel Issues" and shall consist of ss. 1012.05-1012.07.

Section 691. Section 1012.05, Florida Statutes, is created to read:

1012.05 Teacher recruitment and retention.--

(1) The Department of Education, in cooperation with teacher organizations, district personnel offices, and schools, colleges, and departments of education in public and nonpublic postsecondary educational institutions, shall concentrate on the recruitment of qualified teachers.

(2) The Department of Education shall:

(a) Develop and implement a system for posting teaching vacancies and establish a database of teacher applicants that is accessible within and outside the state.

(b) Advertise in major newspapers, national professional publications, and other professional publications and in schools of education.

(c) Utilize state and nationwide toll-free numbers.

(d) Conduct periodic communications with district personnel directors regarding applicants.

(e) Provide district access to the applicant database by computer or telephone.

(f) Develop and distribute promotional materials related to teaching as a career.

(g) Publish and distribute information pertaining to employment opportunities, application procedures, teacher certification, and teacher salaries.

(h) Provide information related to certification procedures.

(i) Develop and sponsor the Florida Future Educator of America Program throughout the state.

(j) Develop, in consultation with school district staff including, but not limited to, district school superintendents, district school board members, and district human resources personnel, a long-range plan for educator

recruitment and retention.

(k) Identify best practices for retaining high-quality teachers.

(l) Develop, in consultation with Workforce Florida, Inc., and the Agency for Workforce Innovation, created pursuant to ss. 445.004 and 20.50, respectively, a plan for accessing and identifying available resources in the state's workforce system for the purpose of enhancing teacher recruitment and retention.

(3) The Department of Education, in cooperation with district personnel offices, shall sponsor a job fair in a central part of the state to match in-state educators and out-of-state educators with teaching opportunities in this state.

Section 692. Section 1012.06, Florida Statutes, is created to read:

1012.06 Temporary assignment of professional staff among K-20 system.--To facilitate economical and effective use of professional staff, school districts, public postsecondary educational institutions, and the Department of Education may enter into written agreements assigning employees among themselves. The purpose of the temporary assignment is to bring staff together within the state system of education, notwithstanding their current places of assignment or agencies of employment, who possess specific or unique knowledge or experience especially suited to solving specific problems, developing new programs, or providing technical assistance on specific tasks or programs.

(1) A person may be temporarily assigned for whatever period of time is required for a specific task; however, no assignment may be for a period of more than 2 years.

(2) A person on temporary assignment shall be considered on temporary assignment duty to regular work assignments of the sending agency; shall be entitled to all benefits to which the person would otherwise be entitled, including compensation for injury or disability; shall receive the same salary and benefits as at the person's regular assignment; and shall remain an employee of the permanent employer for all purposes, except that the person shall be supervised by the agency to which assigned. Payment of such salary and benefits may be made by either agency as provided in the assignment agreement.

(3) Travel and per diem expenses incurred while a person is on temporary assignment shall be paid by the agency to which the person is assigned. Round-trip travel and moving expenses from the person's permanent location to the temporary assignment may be paid by either agency, as provided in the assignment agreement, for any assignment in excess of 3 months. Notwithstanding s. 112.061 to the contrary, a person may be paid per diem expenses for any temporary assignment of 3 months or less.

Section 693. Section 1012.07, Florida Statutes, is created to read:

1012.07 Identification of critical teacher shortage areas.--

(1) As used in ss. 1009.57, 1009.58, and 1009.59, the term "critical teacher shortage area" applies to mathematics, science, career education, and high priority location areas. The State Board of Education may identify career education programs having critical teacher shortages. The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54, necessary to annually identify other critical teacher

shortage areas and high priority location areas. The state board shall also consider teacher characteristics such as ethnic background, race, and sex in determining critical teacher shortage areas. School grade levels may also be designated critical teacher shortage areas. Individual district school boards may identify other critical teacher shortage areas. Such shortages must be certified to and approved by the State Board of Education. High priority location areas shall be in high-density, low-economic urban schools and low-density, low-economic rural schools and shall include schools which meet criteria which include, but are not limited to, the percentage of free lunches, the percentage of students under Chapter I of the Education Consolidation and Improvement Act of 1981, and the faculty attrition rate.

(2) This section shall be implemented only to the extent as specifically funded and authorized by law.

Section 694. Part III of chapter 1012, Florida Statutes, shall be entitled "Public Schools; Personnel" and shall consist of ss. 1012.21-1012.799.

Section 695. Part III.a. of chapter 1012, Florida Statutes, shall be entitled "Department of Education, District School Board, District School Superintendent, and School Principal Duties; Public School Personnel" and shall consist of ss. 1012.21-1012.28.

Section 696. Section 1012.21, Florida Statutes, is created to read:

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

(1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In cooperation with the Florida Department of Law Enforcement, the Department of Education may periodically perform criminal

history record checks on individuals who hold a certificate pursuant to s. 1012.56 or s. 1012.57.

(2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE EMPLOYMENT WAS TERMINATED.--

(a) The Department of Education shall establish a computer database containing the names of persons whose employment is terminated under s. 1012.33(1)(a) or (4)(c), which information shall be available to the district school superintendents and their designees.

(b) Each district school superintendent shall report to the Department of Education the name of any person terminated under s. 1012.33(1)(a) or (4)(c) within 10 working days after the date of final action by the district school board on the termination, and the department shall immediately enter the information in the computer records.

(3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO CHILD SUPPORT DELINQUENCY.--The Department of Education shall allow applicants for new or renewal certificates and renewal certificateholders to be screened by the Title IV-D child support agency pursuant to s. 409.2598 to assure compliance with an obligation for support, as defined in s. 409.2554. The purpose of this section is to promote the public policy of this state as established in s. 409.2551. The department shall, when directed by the court, deny the application of any applicant found to have a delinquent support obligation. The department shall issue or reinstate the certificate without additional charge to the certificateholder when notified by the court that the certificateholder has complied with the terms of the court order. The department shall not be held liable for any certificate denial or suspension resulting from the discharge

of its duties under this section.

(4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a means of stimulating the professional improvement of personnel in service, the Department of Education may call conferences of personnel of the public schools on matters relating solely to education, which conferences, if held on a school day within the period of time covered by a contract, shall be attended with pay by all who may be designated in the call of the Department of Education, provided that the call of the Department of Education may indicate that attendance is optional, and that in any case of those absent from their usual duties during the time of the conference, only those actually in attendance at the conference shall be entitled to pay for time covered by the conference.

(5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The Department of Education shall, by rule, provide for a School-Related Employee of the Year Program. In addition to any other provision, the department shall include in such rules that:

(a) The program shall apply to school-related employees.

(b) The program shall be modeled after the Teacher of the Year Program.

(c) One school-related employee of the year shall be nominated by each district school board in the state.

(d) A selection process shall be instituted to select the school-related employee of the year so that the top five finalists receive awards under the program.

Section 697. Effective upon this act becoming a law, section 1012.22, Florida Statutes, is created to read:

1012.22 Public school personnel; powers and duties of

the district school board.--The district school board shall:

(1) 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 this chapter:

(a) Positions, qualifications, and appointments.--

1. The district school board shall act upon written recommendations submitted by the district school superintendent for positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions.

2. The district school board may reject for good cause any employee nominated.

3. If the third nomination by the district school superintendent for any position is rejected for good cause, if the district school superintendent fails to submit a nomination for initial employment within a reasonable time as prescribed by the district school board, or if the district school superintendent fails to submit a nomination for reemployment within the time prescribed by law, the district school board may proceed on its own motion to fill such position.

4. The district school board's decision to reject a person's nomination does not give that person a right of action to sue over the rejection and may not be used as a cause of action by the nominated employee.

(b) Time to act on nominations.--The district school board shall act not later than 3 weeks after the end of the regular legislative session or May 31, whichever is later, on the district school superintendent's nominations of

supervisors, principals, and members of the instructional staff.

(c) Compensation and salary schedules.--

1. The district school board shall 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 and fix and authorize the compensation of school employees on the basis thereof.

2. 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. 1012.34, 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, and must consider prior professional experience in the field of education gained in positions in addition to district level instructional and administrative positions.

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

4. Beginning with the 2002-2003 fiscal year, each district school board must adopt a performance-pay policy for school administrators and instructional personnel. The district's performance-pay policy is subject to negotiation as provided in chapter 447; however, the adopted salary schedule must allow school administrators and instructional personnel who demonstrate outstanding performance, as measured under s. 1012.34, to earn a 5-percent supplement in addition to their individual, negotiated salary. The supplements shall be funded from the performance-pay reserve funds adopted in the salary

schedule. The Commissioner of Education shall determine whether the district school board's adopted salary schedule complies with the requirement for performance-based pay. If the district school board fails to comply with this section, the commissioner shall withhold disbursements from the Educational Enhancement Trust Fund to the district until compliance is verified.

(d) Contracts and terms of service.--The district school board shall provide written contracts for all regular members of the instructional staff.

(e) Transfer and promotion.--The district school board shall act on recommendations of the district school superintendent regarding transfer and promotion of any employee.

(f) Suspension, dismissal, and return to annual contract status.--The district school board shall suspend, dismiss, or return to annual contract members of the instructional staff and other school employees; however, no administrative assistant, supervisor, principal, teacher, or other member of the instructional staff may be discharged, removed, or returned to annual contract except as provided in this chapter.

(g) Awards and incentives.--The district school board shall provide for recognition of district employees, students, school volunteers, and advisory committee members who have contributed outstanding and meritorious service in their fields or service areas. After considering recommendations of the district school superintendent, the district school 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 adopted by the board which will result in eliminating or reducing district school board expenditures or improving district or school center operations. Nonmonetary awards shall include, but are not limited to, certificates, plaques, medals, ribbons, and photographs. The district school board may expend funds for such recognition and awards. No award granted under this paragraph shall exceed $2,000 or 10 percent of the first year's gross savings, whichever is greater.

(h) Planning and training time for teachers.--The district school board may adopt rules to make provisions for teachers to have time for lunch and some planning and training time when they will not be directly responsible for the children, provided that some adult supervision shall be furnished for the students during such periods.

(i) Comprehensive program of staff development.--The district school board shall establish a comprehensive program of staff development.

(2) Adopt policies relating to personnel leave as follows:

(a) Annual leave.--The district school board may adopt rules that provide for the earning of annual leave by employees, including educational support employees, who are employed for 12 calendar months a year.

(b) Sick leave.--The district school board may adopt rules relating to sick leave, in accordance with the provisions of this chapter.

(c) Illness-in-line-of-duty leave.--The district school board may adopt rules relating to

illness-in-the-line-of-duty leave, in accordance with the provisions of this chapter.

(d) Sabbatical leave.--The district school board may adopt rules relating to sabbatical leave, in accordance with the provisions of this chapter.

Section 698. Section 1012.23, Florida Statutes, is created to read:

1012.23 School district personnel policies.--

(1) Except as otherwise provided by law or the State Constitution, district school boards may adopt rules governing personnel matters, including the assignment of duties and responsibilities for all district employees.

(2) A district school board member may not employ or appoint a relative, as defined in s. 112.3135, to work under the direct supervision of that district school board member.

Section 699. Section 1012.24, Florida Statutes, is created to read:

1012.24 Employment and compensation of instructional personnel during specific emergencies.--In the event of an epidemic, strike, mass walkout, substantial numbers of teacher resignations, or other urgent condition, a district school board upon recommendation of the district school superintendent may find and declare that an emergency exists because there is not a sufficient number of certified teachers to continue the normal operation of the schools within the district. In said event the district school board may upon recommendation of the district school superintendent employ, contract with, and compensate for instructional services rendered any person who shall be deemed qualified by regulations of the district school board. In such event, a state certificate to teach shall not be required for such

employment, contract, or compensation.

Section 700. Section 1012.25, Florida Statutes, is created to read:

1012.25 School officers to turn over money and property to successors.--Every school officer shall turn over to his or her successor or successors in office, on retiring, all books, papers, documents, records, funds, money, and property of whatever kind which the officer may have acquired, received, and held by virtue of his or her office and shall take full receipt for them from his or her successor and shall make in correct form all reports required by the state. No school officer who receives any salary or compensation for his or her services shall be entitled to be paid or compensated for the last month served until the provisions of this section have been fully observed. Any person violating the provisions of this section shall forfeit his or her compensation for the last month served and commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 701. Section 1012.26, Florida Statutes, is created to read:

1012.26 Legal services for employees; reimbursement for judgments in civil actions.--Each district school board may provide legal services for officers and employees of the school board who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities. The district school board shall provide for reimbursement of reasonable expenses for legal services for officers and employees of school boards who are charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities upon successful defense by the employee or

officer. However, in any case in which the officer or employee pleads guilty or nolo contendere or is found guilty of any such action, the officer or employee shall reimburse the district school board for any legal services which the school board may have supplied pursuant to this section. A district school board may also reimburse an officer or employee of the school board for any judgment which may be entered against him or her in a civil action arising out of and in the course of the performance of his or her assigned duties and responsibilities. Each expenditure by a district school board for legal defense of an officer or employee, or for reimbursement pursuant to this section, shall be made at a public meeting with notice pursuant to s. 120.525(1). The provision of such legal services or reimbursement under the conditions described above is declared to be a district school purpose for which district school funds may be expended.

Section 702. Section 1012.27, Florida Statutes, is created to read:

1012.27 Public school personnel; powers and duties of district school superintendent.--The district school superintendent shall be responsible, as required herein, for directing the work of the personnel, subject to the requirements of this chapter, and in addition the district school superintendent shall have the following duties:

(1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

(a) Recommend to the district school board duties and responsibilities which need to be performed and positions which need to be filled to make possible the development of an adequate school program in the district.

(b) Recommend minimum qualifications of personnel for these various positions, and nominate in writing persons to

fill such positions.

The district school superintendent's recommendations for filling instructional positions at the school level must consider nominations received from school principals of the respective schools. Before transferring a teacher who holds a professional teaching certificate from one school to another, the district school superintendent shall consult with the principal of the receiving school and allow the principal to review the teacher's records and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought.

(2) COMPENSATION AND SALARY SCHEDULES.--Prepare and recommend to the district school board for adoption a salary schedule or salary schedules. The district school superintendent must recommend a salary schedule for instructional personnel which bases a portion of each employee's compensation on performance demonstrated under s. 1012.34. In developing the recommended salary schedule, the district school superintendent shall include input from parents, teachers, and representatives of the business community.

(3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the district school board terms for contracting with employees and prepare such contracts as are approved.

(4) TRANSFER AND PROMOTIONS.--Recommend employees for transfer and transfer any employee during any emergency and report the transfer to the district school board at its next regular meeting.

(5) SUSPENSION AND DISMISSAL.--Suspend members of the instructional staff and other school employees during

emergencies for a period extending to and including the day of the next regular or special meeting of the district school board and notify the district school board immediately of such suspension. When authorized to do so, serve notice on the suspended member of the instructional staff of charges made against him or her and of the date of hearing. Recommend employees for dismissal under the terms prescribed herein.

(6) DIRECT WORK OF EMPLOYEES AND SUPERVISE INSTRUCTION.--Direct or arrange for the proper direction and improvement, under rules of the district school board, of the work of all members of the instructional staff and other employees of the district school system, supervise or arrange under rules of the district school board for the supervision of instruction in the district, and take such steps as are necessary to bring about continuous improvement.

Section 703. Section 1012.28, Florida Statutes, is created to read:

1012.28 Public school personnel; duties of school principals.--

(1) Public school principals shall supervise public school personnel as the district school board determines necessary.

(2) The school principal is responsible for recommending to the district school superintendent the employment of instructional personnel to be assigned to the school to which the principal is assigned.

(3) Each school principal is responsible for the performance of all personnel employed by the district school board and assigned to the school to which the principal is assigned. The school principal shall faithfully and effectively apply the personnel assessment system approved by

the district school board pursuant to s. 1012.34.

(4) Each school principal shall assist the teachers within the school to use student assessment data, as measured by student learning gains pursuant to s. 1008.22, for self-evaluation.

(5) Each school principal shall perform such duties as may be assigned by the district school superintendent, pursuant to the rules of the district school board. Such rules shall include, but are not limited to, rules relating to administrative responsibility, instructional leadership in implementing the Sunshine State Standards and the overall educational program of the school to which the school principal is assigned, submission of personnel recommendations to the district school superintendent, administrative responsibility for records and reports, administration of corporal punishment, and student suspension.

(6) A school principal who fails to comply with this section shall be ineligible for any portion the performance pay policy incentive under s. 1012.22(1)(c).

Section 704. Part III.b. of chapter 1012, Florida Statutes, shall be entitled "Personnel Files, Qualifications, Contracts, Assessments for Public Schools" and shall consist of ss. 1012.31-1012.34.

Section 705. Section 1012.31, Florida Statutes, is created to read:

1012.31 Personnel files.--Public school system employee personnel files shall be maintained according to the following provisions:

(1)(a) Except for materials pertaining to work performance or such other matters that may be cause for discipline, suspension, or dismissal under laws of this state,

no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee.

(b) No anonymous letter or anonymous materials shall be placed in the personnel file.

(2)(a) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.

(b)1. No such materials may be placed in a personnel file unless they have been reduced to writing within 45 days, exclusive of the summer vacation period, of the school system administration becoming aware of the facts reflected in the materials.

2. Additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify them as needed.

(c) A copy of such materials to be added to an employee's personnel file shall be provided to the employee either:

1. By certified mail, return receipt requested, to his or her address of record; or

2. By personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

(d) An employee has the right to answer in writing any such materials in a personnel file on July 1, 1983, as well as any such materials filed thereafter, and the answer shall be attached to the file copy. An employee has the right to

1 request that the district school superintendent or the
2 superintendent's designee make an informal inquiry regarding
3 material in the employee's personnel file which the employee
4 believes to be false. The official who makes the inquiry shall
5 append to the material a written report of his or her
6 findings.
7 (e) Upon request, an employee, or any person
8 designated in writing by the employee, shall be permitted to
9 examine the personnel file of such employee. The employee
10 shall be permitted conveniently to reproduce any materials in
11 the file, at a cost no greater than the fees prescribed in s.
12 119.07(1).
13 (f) The custodian of the record shall maintain a
14 record in the file of those persons reviewing the file each
15 time it is reviewed.
16 (3)(a) Public school system employee personnel files
17 are subject to the provisions of s. 119.07(1), except as
18 follows:
19 1. Any complaint and any material relating to the
20 investigation of a complaint against an employee shall be
21 confidential and exempt from the provisions of s. 119.07(1)
22 until the conclusion of the preliminary investigation or until
23 such time as the preliminary investigation ceases to be
24 active. If the preliminary investigation is concluded with
25 the finding that there is no probable cause to proceed further
26 and with no disciplinary action taken or charges filed, a
27 statement to that effect signed by the responsible
28 investigating official shall be attached to the complaint, and
29 the complaint and all such materials shall be open thereafter
30 to inspection pursuant to s. 119.07(1). If the preliminary
31 investigation is concluded with the finding that there is

probable cause to proceed further or with disciplinary action taken or charges filed, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such materials shall be open thereafter to inspection pursuant to s. 119.07(1). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding relating to probable cause is made within 60 days after the complaint is made.

2. An employee evaluation prepared pursuant to s. 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the State Board of Education or district school board under the authority of those sections shall be confidential and exempt from the provisions of s. 119.07(1) until the end of the school year immediately following the school year in which the evaluation was made. No evaluation prepared before July 1, 1983, shall be made public pursuant to this section.

3. No material derogatory to an employee shall be open to inspection until 10 days after the employee has been notified pursuant to paragraph (2)(c).

4. The payroll deduction records of an employee shall be confidential and exempt from the provisions of s. 119.07(1).

5. Employee medical records, including psychiatric and psychological records, shall be confidential and exempt from the provisions of s. 119.07(1); however, at any hearing relative to the competency or performance of an employee, the

administrative law judge, hearing officer, or panel shall have access to such records.

(b) Notwithstanding other provisions of this subsection, all aspects of the personnel file of each employee shall be open to inspection at all times by district school board members, the district school superintendent, and the principal, or their respective designees, in the exercise of their respective duties.

(c) Notwithstanding other provisions of this subsection, all aspects of the personnel file of each employee shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

(4) The term "personnel file," as used in this section, means all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its employees, which is uniquely applicable to that employee whether maintained in one or more locations.

Section 706. Section 1012.32, Florida Statutes, is created to read:

1012.32 Qualifications of personnel.--

(1) To be eligible for appointment in any position in any district school system, a person shall be of good moral character; shall have attained the age of 18 years, if he or she is to be employed in an instructional capacity; and shall, when required by law, hold a certificate or license issued under rules of the State Board of Education or the Department of Children and Family Services, except when employed pursuant to s. 1012.55 or under the emergency provisions of s. 1012.24. Previous residence in this state shall not be required in any school of the state as a prerequisite for any person holding a

1 valid Florida certificate or license to serve in an
2 instructional capacity.
3 (2)(a) Instructional and noninstructional personnel
4 who are hired to fill positions requiring direct contact with
5 students in any district school system or university lab
6 school shall, upon employment, file a complete set of
7 fingerprints taken by an authorized law enforcement officer or
8 an employee of the school or district who is trained to take
9 fingerprints. These fingerprints shall be submitted to the
10 Department of Law Enforcement for state processing and to the
11 Federal Bureau of Investigation for federal processing. The
12 new employees shall be on probationary status pending
13 fingerprint processing and determination of compliance with
14 standards of good moral character. Employees found through
15 fingerprint processing to have been convicted of a crime
16 involving moral turpitude shall not be employed in any
17 position requiring direct contact with students. Probationary
18 employees terminated because of their criminal record shall
19 have the right to appeal such decisions. The cost of the
20 fingerprint processing may be borne by the district school
21 board or the employee.
22 (b) Personnel who have been fingerprinted or screened
23 pursuant to this subsection and who have not been unemployed
24 for more than 90 days shall not be required to be
25 refingerprinted or rescreened in order to comply with the
26 requirements of this subsection.
27 Section 707. Section 1012.33, Florida Statutes, is
28 created to read:
29 1012.33 Contracts with instructional staff,
30 supervisors, and school principals.--
31 (1)(a) Each person employed as a member of the

instructional staff in any district school system shall be properly certified pursuant to s. 1012.56 or s. 1012.57 or employed pursuant to s. 1012.39 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: misconduct in office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

(b) A supervisor or school principal shall be properly certified and shall receive a written contract as specified in chapter 1001. Such contract may be for an initial period not to exceed 3 years, subject to annual review and renewal. The first 97 days of an initial contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract. After the first 3 years, the contract may be renewed for a period not to exceed 3 years and shall contain provisions for dismissal during the term of the contract only for just cause, in addition to such other provisions as are prescribed by the district school board.

(2) Any person so employed on the basis of a written offer of a specific position by a duly authorized agent of the district school board for a stated term of service at a specified salary, and who accepted such offer by telegram or letter or by signing the regular contract form, who violates the terms of such contract or agreement by leaving his or her position without first being released from his or her contract

or agreement by the district school board of the district in which the person is employed shall be subject to the jurisdiction of the Education Practices Commission. The district school board shall take official action on such violation and shall furnish a copy of its official minutes to the Commissioner of Education.

(3)(a) Each district school board shall provide a professional service contract as prescribed herein. Each member of the instructional staff who completed the following requirements prior to July 1, 1984, shall be entitled to and shall be issued a continuing contract in the form prescribed by rules of the state board pursuant to s. 231.36, Florida Statutes (1981). Each member of the instructional staff who completes the following requirements on or after July 1, 1984, shall be entitled to and shall be issued a professional service contract in the form prescribed by rules of the state board as provided herein:

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

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

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

4. For any person newly employed as a member of the instructional staff after June 30, 1997, the initial annual

contract shall include a 97-day probationary period during which time the employee's contract may be terminated without cause or the employee may resign without breach of contract.

(b) The professional service contract shall be effective at the beginning of the school fiscal year following the completion of all requirements therefor.

(c) The period of service provided herein may be extended to 4 years when prescribed by the district school board and agreed to in writing by the employee at the time of reappointment.

(d) A district school board may issue a continuing contract prior to July 1, 1984, and may issue a professional service contract subsequent to July 1, 1984, to any employee who has previously held a professional service contract or continuing contract in the same or another district within this state. Any employee who holds a continuing contract may, but is not required to, exchange such continuing contract for a professional service contract in the same district.

(e) A professional service contract shall be renewed each year unless the district school superintendent, after receiving the recommendations required by s. 1012.34, charges the employee with unsatisfactory performance and notifies the employee of performance deficiencies as required by s. 1012.34. 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. 1012.34(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. 1012.34(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 district school 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 district school superintendent, or his or her 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. If the request for the transfer is granted, the district school superintendent shall annually report to the department the total number of employees transferred pursuant to this subparagraph, where they were transferred, and what, if any, remediation was implemented to remediate the unsatisfactory performance.

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 district school superintendent, after receiving and reviewing the recommendation required by s. 1012.34, 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 district school superintendent may notify the district 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 district school 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 district school 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 district school superintendent's charges of unsatisfactory performance. Such hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

a. A direct hearing conducted by the district 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 district school board shall be required to sustain the district school superintendent's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for

1 termination of employment; or
2 b. A hearing conducted by an administrative law judge
3 assigned by the Division of Administrative Hearings of the
4 Department of Management Services. The hearing shall be
5 conducted within 60 days of receipt of the written appeal in
6 accordance with chapter 120. The recommendation of the
7 administrative law judge shall be made to the district school
8 board. A majority vote of the membership of the district
9 school board shall be required to sustain or change the
10 administrative law judge's recommendation. The determination
11 of the district school board shall be final as to the
12 sufficiency or insufficiency of the grounds for termination of
13 employment.
14 (g) Beginning July 1, 2001, for each employee who
15 enters into a written contract, pursuant to this section, in a
16 school district in which the employee was not employed as of
17 June 30, 2001, for purposes of pay, a district school board
18 must recognize and accept each year of full-time public school
19 teaching service earned in the State of Florida or outside the
20 state and for which the employee received a satisfactory
21 performance evaluation. Instructional personnel employed
22 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
23 of this paragraph.
24 (4)(a) An employee who had continuing contract status
25 prior to July 1, 1984, shall be entitled to retain such
26 contract and all rights arising therefrom as prescribed by
27 rules of the State Board of Education adopted pursuant to s.
28 231.36, Florida Statutes (1981), unless the employee
29 voluntarily relinquishes his or her continuing contract.
30 (b) Any member of the district administrative or
31 supervisory staff and any member of the instructional staff,

including any school principal, who is under continuing contract may be dismissed or may be returned to annual contract status for another 3 years in the discretion of the district school board, at the end of the school year, when a recommendation to that effect is submitted in writing to the district school board on or before April 1 of any school year, giving good and sufficient reasons therefor, by the district school superintendent, by the school principal if his or her contract is not under consideration, or by a majority of the district school board. The employee whose contract is under consideration shall be duly notified in writing by the party or parties preferring the charges at least 5 days prior to the filing of the written recommendation with the district school board, and such notice shall include a copy of the charges and the recommendation to the district school board. The district school board shall proceed to take appropriate action. Any decision adverse to the employee shall be made by a majority vote of the full membership of the district school board. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68.

(c) Any member of the district administrative or supervisory staff and any member of the instructional staff, including any school principal, who is under continuing contract may be suspended or dismissed at any time during the school year; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of a crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the district school board, the district school board may

suspend such person without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

(5) Should a district school board have to choose from among its personnel who are on continuing contracts or professional service contracts as to which should be retained, such decisions shall be made pursuant to the terms of a collectively bargained agreement, when one exists. If no such agreement exists, the district school board shall prescribe rules to handle reductions in workforce.

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The district school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. If the employee wishes

to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing. Such hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

1. A direct hearing conducted by the district school board within 60 days after 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 district school board shall be required to sustain the district school superintendent's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

2. 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 after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the district school board. A majority vote of the membership of the district school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

Any such decision adverse to the employee may be appealed by the employee pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

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(b) Any member of the district administrative or supervisory staff, including any principal but excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education. Whenever such charges are made against any such employee of the district school board, the district school board may suspend the employee without pay; but, if the charges are not sustained, he or she shall be immediately reinstated, and his or her back salary shall be paid. In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated. If such charges are sustained by a majority vote of the full membership of the district school board and such employee is discharged, his or her contract of employment shall be thereby canceled. Any such decision adverse to the employee may be appealed by him or her pursuant to s. 120.68, provided such appeal is filed within 30 days after the decision of the district school board.

(7) The district school board of any given district shall grant continuing service credit for time spent performing duties as a member of the Legislature to any district employee who possesses a professional service contract, multiyear contract, or continuing contract.

(8) Notwithstanding any other provision of law, any member who has retired may interrupt retirement and be reemployed in any public school. Any member so reemployed by the same district from which he or she retired may be employed on a probationary contractual basis as provided in subsection (1); however, no regular retirement employee shall be eligible to renew membership under a retirement system created by chapter 121 or chapter 238.

Section 708. Section 1012.34, Florida Statutes, is created to read:

1012.34 Assessment procedures and criteria.--

(1) For the purpose of improving the quality of instructional, administrative, and supervisory services in the public schools of the state, the district school superintendent shall establish procedures for assessing the performance of duties and responsibilities of all instructional, administrative, and supervisory personnel employed by the school district. The Department of Education must approve each district's instructional personnel assessment system.

(2) The following conditions must be considered in the design of the district's instructional personnel assessment system:

(a) The system must be designed to support district and school level improvement plans.

(b) The system must provide appropriate instruments, procedures, and criteria for continuous quality improvement of the professional skills of instructional personnel.

(c) The system must include a mechanism to give parents an opportunity to provide input into employee performance assessments when appropriate.

(d) In addition to addressing generic teaching competencies, districts must determine those teaching fields for which special procedures and criteria will be developed.

(e) Each district school board may establish a peer assistance process. The plan may provide a mechanism for assistance of persons who are placed on performance probation as well as offer assistance to other employees who request it.

(f) The district school board shall provide training programs that are based upon guidelines provided by the Department of Education to ensure that all individuals with evaluation responsibilities understand the proper use of the assessment criteria and procedures.

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

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

1. Performance of students.

2. Ability to maintain appropriate discipline.

3. Knowledge of subject matter. The district school board shall make special provisions for evaluating teachers who are assigned to teach out-of-field.

4. Ability to plan and deliver instruction, including the use of technology in the classroom.

5. Ability to evaluate instructional needs.

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

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

(b) All personnel must be fully informed of the criteria and procedures associated with the assessment process before the assessment takes place.

(c) The individual responsible for supervising the employee must assess the employee's performance. The evaluator must submit a written report of the assessment to the district school superintendent for the purpose of reviewing the employee's contract. The evaluator must submit the written report to the employee no later than 10 days after the assessment takes place. The evaluator must discuss the written report of assessment with the employee. The employee shall have the right to initiate a written response to the assessment, and the response shall become a permanent attachment to his or her personnel file.

(d) If an employee is not performing his or her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the following procedural requirements:

1. Upon delivery of a notice of unsatisfactory performance, the evaluator must confer with the employee, make recommendations with respect to specific areas of unsatisfactory performance, and provide assistance in helping to correct deficiencies within a prescribed period of time.

2.a. If the employee holds a professional service contract as provided in s. 1012.33, the employee shall be placed on performance probation and governed by the provisions of this section for 90 calendar days following the receipt of the notice of unsatisfactory performance to demonstrate corrective action. School holidays and school vacation periods are not counted when calculating the 90-calendar-day period. During the 90 calendar days, the employee who holds a professional service contract must be evaluated periodically and apprised of progress achieved and must be provided assistance and inservice training opportunities to help correct the noted performance deficiencies. At any time during the 90 calendar days, the employee who holds a professional service contract may request a transfer to another appropriate position with a different supervising administrator; however, a transfer does not extend the period for correcting performance deficiencies.

b. Within 14 days after the close of the 90 calendar days, the evaluator must assess whether the performance deficiencies have been corrected and forward a recommendation to the district school superintendent. Within 14 days after receiving the evaluator's recommendation, the district school superintendent must notify the employee who holds a professional service contract in writing whether the performance deficiencies have been satisfactorily corrected and whether the district school superintendent will recommend

that the district school board continue or terminate his or her employment contract. If the employee wishes to contest the district school superintendent's recommendation, the employee must, within 15 days after receipt of the district school superintendent's recommendation, submit a written request for a hearing. The hearing shall be conducted at the district school board's election in accordance with one of the following procedures:

(I) A direct hearing conducted by the district school board within 60 days after 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 district school board shall be required to sustain the district school superintendent's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment; or

(II) 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 after receipt of the written appeal in accordance with chapter 120. The recommendation of the administrative law judge shall be made to the district school board. A majority vote of the membership of the district school board shall be required to sustain or change the administrative law judge's recommendation. The determination of the district school board shall be final as to the sufficiency or insufficiency of the grounds for termination of employment.

(4) The district school superintendent shall notify the department of any instructional personnel who receive two

consecutive unsatisfactory evaluations and who have been given written notice by the district that their employment is being terminated or is not being renewed or that the district school board intends to terminate, or not renew, their employment. The department shall conduct an investigation to determine whether action shall be taken against the certificateholder pursuant to s. 1012.795(1)(b).

(5) The district school superintendent shall develop a mechanism for evaluating the effective use of assessment criteria and evaluation procedures by administrators who are assigned responsibility for evaluating the performance of instructional personnel. The use of the assessment and evaluation procedures shall be considered as part of the annual assessment of the administrator's performance. The system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.

(6) Nothing in this section shall be construed to grant a probationary employee a right to continued employment beyond the term of his or her contract.

(7) The district school board shall establish a procedure annually reviewing instructional personnel assessment systems to determine compliance with this section. All substantial revisions to an approved system must be reviewed and approved by the district school board before being used to assess instructional personnel. Upon request by a school district, the department shall provide assistance in developing, improving, or reviewing an assessment system.

(8) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54, that establish uniform guidelines for the submission, review, and approval of

district procedures for the annual assessment of instructional personnel and that include criteria for evaluating professional performance.

Section 709. Part III.c. of chapter 1012, Florida Statutes, shall be entitled "Personnel, Instructional and Noninstructional; Authorization; Requirements" and shall consist of ss. 1012.35-1012.46.

Section 710. Section 1012.35, Florida Statutes, is created to read:

1012.35 Substitute teachers.--Each district school board shall adopt rules prescribing the compensation of, and the procedure for employment of, substitute teachers. Such procedure for employment shall include, but is not limited to, the filing of a complete set of fingerprints as required in s. 1012.32.

Section 711. Section 1012.36, Florida Statutes, is created to read:

1012.36 Part-time teachers.--

(1) District school boards may hire certified and qualified personnel as provided in ss. 1012.39 and 1012.57 to teach a specified number of periods, which may be less than a full school day or less than a full school year.

(2) Assigned additional school duties and salaries shall be given in direct ratio to the number of periods taught. Other benefits shall be provided by district school board rule or, if applicable, pursuant to chapter 447.

Section 712. Section 1012.37, Florida Statutes, is created to read:

1012.37 Education paraprofessionals.--A district school board may appoint education paraprofessionals to assist members of the instructional staff in carrying out their

duties and responsibilities. An education paraprofessional shall not be required to hold a teaching certificate. An education paraprofessional, while rendering services under the supervision of a certified teacher, shall be accorded the same protection of laws as that accorded the certified teacher. Paid education paraprofessionals employed by a district school board shall be entitled to the same rights as those accorded noninstructional employees of the district school board.

Section 713. Section 1012.38, Florida Statutes, is created to read:

1012.38 Education paraprofessional career development.--

(1)(a) Each school district may adopt a program for the career development of education paraprofessionals. The purpose of the program is to provide to education paraprofessionals a system of career development which is based upon education and training advancement, and to furnish economic incentives to encourage excellence among education paraprofessionals.

(b) The adoption of each program is subject to chapter 447, and the implementation of a program is contingent upon the agreement and ratification of the program by both the employer and employees under s. 447.309.

(2) A district education paraprofessional career development program must include voluntary participation by paraprofessionals in five career development levels. The district school board shall adopt a procedure for verifying the competency levels of all persons who participate in the career development program and a procedure to determine the outcomes and results of the program and impact on student performance.

(3)(a) Level I.--To qualify for Level I, the person must meet:

1. The health requirement established for certified personnel.

2. The age requirements for certified personnel.

3. The local school district requirements for employment.

(b) Level II.--To qualify for Level II, the person must:

1. Have earned a high school diploma or the equivalent.

2. Possess a clear understanding of state and district rules and policies relevant to paraprofessionals.

3. Possess knowledge of all state and district instructional practices and policies relevant to paraprofessionals.

4. Have maintained satisfactory job performance of appropriate skills and competencies for 1 year.

(c) Level III.--To qualify for Level III, the person must:

1. Have completed 30 college semester hours or the equivalent inservice hours.

2. Possess a clear understanding of state and district rules and policies relevant to paraprofessionals.

3. Possess knowledge of all state and district instructional practices and policies relevant to paraprofessionals.

4. Have maintained satisfactory job performance of appropriate skills and competencies for 2 years.

(d) Level IV.--To qualify for Level IV, the person must:

1. Have completed 60 college semester hours or the equivalent inservice hours.

2. Possess a clear understanding of state and district rules and policies relevant to paraprofessionals.

3. Possess knowledge of all state and district instructional practices and policies relevant to paraprofessionals.

4. Have maintained satisfactory job performance of appropriate skills and competencies for 2 years.

(e) Level V.--To qualify for Level V, the person must:

1. Have completed coursework to earn a bachelor of arts or bachelor of science degree from an accredited institution pursuant to s. 1012.56(2)(c).

2. Possess a clear understanding of state and district rules and policies relevant to paraprofessionals.

3. Possess knowledge of all state and district instructional practices and policies relevant to paraprofessionals.

4. Have maintained satisfactory job performance of appropriate skills and competencies for 2 years.

(4) Paraprofessionals may not:

(a) Establish instructional objectives;

(b) Make decisions regarding the relevancy of certain activities or procedures to the attainment of instructional objectives;

(c) Make decisions regarding the appropriateness of certain teaching materials for accomplishing instructional objectives; or

(d) Make judgments regarding the attainment of instructional objectives unless these judgments are based upon clear and objective criteria, such as specific achievement

standards on a true-false test.

Section 714. Section 1012.39, Florida Statutes, is created to read:

1012.39 Employment of substitute teachers, teachers of adult education, nondegreed teachers of career education, and career specialists; students performing clinical field experience.--

(1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and 1012.57, or any other provision of law or rule to the contrary, each district school board shall establish the minimal qualifications for:

(a) Substitute teachers to be employed pursuant to s. 1012.35. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 1012.32.

(b) Part-time and full-time teachers in adult education programs. The qualifications shall require the filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely to conduct postsecondary instruction may be exempted from this requirement.

(c) Part-time and full-time nondegreed teachers of career and technical programs. Qualifications shall be established for agriculture, business, health occupations, family and consumer sciences, industrial, marketing, career specialist, and public service education teachers, based primarily on successful occupational experience rather than academic training. The qualifications for such teachers shall require:

1. The filing of a complete set of fingerprints in the same manner as required by s. 1012.32. Faculty employed solely

to conduct postsecondary instruction may be exempted from this requirement.

2. Documentation of education and successful occupational experience including documentation of:

a. A high school diploma or the equivalent.

b. Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. Alternate means of determining successful occupational experience may be established by the district school board.

c. Completion of career education training conducted through the local school district inservice master plan.

d. For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.

e. Demonstration of successful teaching performance.

(2) Substitute, adult education, and nondegreed career education teachers who are employed pursuant to this section shall have the same rights and protection of laws as certified teachers.

(3) A student who is enrolled in a state-approved teacher preparation program in a postsecondary educational institution that is approved by rules of the State Board of Education and who is jointly assigned by the postsecondary educational institution and a district school board to perform a clinical field experience under the direction of a regularly employed and certified educator shall, while serving such supervised clinical field experience, be accorded the same

protection of law as that accorded to the certified educator except for the right to bargain collectively as an employee of the district school board.

Section 715. Section 1012.40, Florida Statutes, is created to read:

1012.40 Educational support employees.--

(1) As used in this section:

(a) "Educational support employee" means any person employed by a district school system who is employed as a teacher assistant, an education paraprofessional, a member of the transportation department, a member of the operations department, a member of the maintenance department, a member of food service, a secretary, or a clerical employee, or any other person who by virtue of his or her position of employment is not required to be certified by the Department of Education or district school board pursuant to s. 1012.39. This section does not apply to persons employed in confidential or management positions. This section applies to all employees who are not temporary or casual and whose duties require 20 or more hours in each normal working week.

(b) "Employee" means any person employed as an educational support employee.

(2)(a) Each educational support employee shall be employed on probationary status for a period to be determined through the appropriate collective bargaining agreement or by district school board rule in cases where a collective bargaining agreement does not exist.

(b) Upon successful completion of the probationary period by the employee, the employee's status shall continue from year to year unless the district school superintendent terminates the employee for reasons stated in the collective

bargaining agreement, or in district school board rule in cases where a collective bargaining agreement does not exist, or reduces the number of employees on a districtwide basis for financial reasons.

(c) In the event a district school superintendent seeks termination of an employee, the district school board may suspend the employee with or without pay. The employee shall receive written notice and shall have the opportunity to formally appeal the termination. The appeals process shall be determined by the appropriate collective bargaining process or by district school board rule in the event there is no collective bargaining agreement.

Section 716. Section 1012.41, Florida Statutes, is created to read:

1012.41 Employment of directors of career and technical education.--In order to receive state funding, each district school board that employs at least 15 full-time equivalent career and technical teachers must employ a director of career and technical education who meets the certification requirements established by the State Board of Education. The directors shall be directly accountable to the district school superintendent, or his or her designee, for the planning and implementation of career and technical programs. Two or more district school boards may employ a single director.

Section 717. Section 1012.42, Florida Statutes, is created to read:

1012.42 Teacher teaching out-of-field.--

(1) ASSISTANCE.--Each district school board shall adopt and implement a plan to assist any teacher teaching out-of-field, and priority consideration in professional

development activities shall be given to teachers who are teaching out-of-field. The district school board shall require that such teachers participate in a certification or staff development program designed to provide the teacher with the competencies required for the assigned duties. The board-approved assistance plan must include duties of administrative personnel and other instructional personnel to provide students with instructional services. Each district school board shall contact its regional workforce board, created pursuant to s. 445.007, to identify resources that may assist teachers who are teaching out-of-field and who are pursuing certification.

(2) NOTIFICATION REQUIREMENTS.--When a teacher in a district school system is assigned teaching duties in a class dealing with subject matter that is outside the field in which the teacher is certified, outside the field that was the applicant's minor field of study, or outside the field in which the applicant has demonstrated sufficient subject area expertise, as determined by district school board policy in the subject area to be taught, the parents of all students in the class shall be notified in writing of such assignment.

Section 718. Section 1012.43, Florida Statutes, is created to read:

1012.43 Career and technical teachers.--

(1) Career and technical teachers and other teachers who qualify for certificates on the basis of nonacademic preparation shall be entitled to all the contractual rights and privileges now granted to other instructional personnel holding equivalent certificates.

(2) A holder of a certificate based on nonacademic preparation which entitled him or her to employment to teach

classes in career and technical or adult education shall not be assigned to teach in a regular academic field of the kindergarten through grade 12 school program.

Section 719. Section 1012.44, Florida Statutes, is created to read:

1012.44 Qualifications for certain persons providing speech-language services.--The State Board of Education shall adopt rules for speech-language services to school districts that qualify for the sparsity supplement as described in s. 1011.62(6). These services may be provided by baccalaureate degree level persons for a period of 3 years. The rules shall authorize the delivery of speech-language services by baccalaureate degree level persons under the direction of a certified speech-language pathologist with a master's degree or higher. By October 1, 2003, these rules shall be reviewed by the State Board of Education.

Section 720. Section 1012.45, Florida Statutes, is created to read:

1012.45 School bus drivers; requirements and duties.--

(1) Each school bus driver must be of good moral character, of good vision and hearing, able-bodied, free from communicable disease, mentally alert, and sufficiently strong physically to handle the bus with ease, and he or she must possess other qualifications prescribed by the Commissioner of Education, including those qualifications described in 49 C.F.R. s. 391, relating to physical qualifications and examinations and 49 C.F.R. part 40 and part 382, relating to controlled substance and alcohol use and testing, and he or she must hold a valid commercial driver's license with a passenger endorsement.

(2) Each school bus driver has the authority and

1 responsibility to control students during the time students
2 are on the school bus pursuant to s. 1006.10.
3 (3) The State Board of Education shall adopt rules
4 outlining requirements that school bus drivers must meet
5 before they are employed by district school boards.
6 (4) Each district school board may provide a school
7 bus driver training program and may make this program
8 available to private school bus drivers by contract.
9 Section 721. Section 1012.46, Florida Statutes, is
10 created to read:
11 1012.46 Athletic trainers.--
12 (1) School districts may establish and implement an
13 athletic injuries prevention and treatment program. Central to
14 this program should be the employment and availability of
15 persons trained in the prevention and treatment of physical
16 injuries which may occur during athletic activities. The
17 program should reflect opportunities for progressive
18 advancement and compensation in employment as provided in
19 subsection (2) and meet certain other minimum standards
20 developed by the Department of Education. The goal of the
21 Legislature is to have school districts employ and have
22 available a full-time teacher athletic trainer in each high
23 school in the state.
24 (2) To the extent practicable, a school district
25 program should include the following employment classification
26 and advancement scheme:
27 (a) First responder.--To qualify as a first responder,
28 a person must possess a professional, temporary, part-time,
29 adjunct, or substitute certificate pursuant to s. 1012.56, be
30 certified in cardiopulmonary resuscitation, first aid, and
31 have 15 semester hours in courses such as care and prevention

of athletic injuries, anatomy, physiology, nutrition, counseling, and other similar courses approved by the Commissioner of Education. This person may only administer first aid and similar care.

(b) Teacher athletic trainer.--To qualify as a teacher athletic trainer, a person must possess a professional, temporary, part-time, adjunct, or substitute certificate pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be licensed as required by part XIII of chapter 468.

Section 722. Part III.d. of chapter 1012, Florida Statutes, shall be entitled "Educator Certification for Public Schools; Renewal; Duties" and shall consist of ss. 1012.51-1012.595.

Section 723. Section 1012.51, Florida Statutes, is created to read:

1012.51 Legislative intent; declaration.--It is the intent and purpose of the Legislature that the practice of teaching in the public school system and its related services, including administering and supervisory services, shall be designated as professional services. Teaching is hereby declared to be a profession in Florida, with similar rights, responsibilities, and privileges accorded other legally recognized professions.

Section 724. Section 1012.52, Florida Statutes, is created to read:

1012.52 Teacher quality; legislative findings.--

(1) The Legislature intends to implement a comprehensive approach to increase students' academic achievement and improve teaching quality. The Legislature recognizes that professional educators play an important role in shaping the future of this state and the nation by

developing the knowledge and skills of our future workforce and laying the foundation for good citizenship and full participation in community and civic life. The Legislature also recognizes its role in meeting the state's educational priorities so as to provide opportunity for all students to achieve at the levels set by the Sunshine State Standards.

(2) The Legislature further finds that effective educators are able to do the following:

(a) Write and speak in a logical and understandable style, using appropriate grammar and sentence structure, and demonstrate a command of standard English, enunciation, clarity of oral directions, and pace and precision in speaking.

(b) Read, comprehend, and interpret professional and other written material.

(c) Compute, think logically, and solve problems.

(d) Recognize signs of students' difficulty with the reading and computational process and apply appropriate measures to improve students' reading and computational performance.

(e) Recognize patterns of physical, social, emotional, and intellectual development in students, including exceptional students in the regular classroom.

(f) Recognize and demonstrate awareness of the educational needs of students who have limited proficiency in English and employ appropriate teaching strategies.

(g) Use and integrate appropriate technology in teaching and learning processes and in managing, evaluating, and improving instruction.

(h) Use assessment and other diagnostic strategies to assist the continuous development and acquisition of knowledge

and understanding of the learner.

(i) Use teaching and learning strategies that include consideration of each student's learning styles, needs, and background.

(j) Demonstrate the ability to maintain a positive, collaborative relationship with students' families to increase student achievement.

(k) Recognize signs of tendency toward violence and severe emotional distress in students and apply techniques of crisis intervention.

(l) Recognize signs of alcohol and drug abuse in students and know how to appropriately work with such students and seek assistance designed to prevent future abuse.

(m) Recognize the physical and behavioral indicators of child abuse and neglect and know rights and responsibilities regarding reporting.

(n) Demonstrate the ability to maintain a positive environment in the classroom while achieving order and discipline.

(o) Demonstrate the ability to grade student performance effectively.

(p) Demonstrate knowledge and understanding of the value of, and strategies for, promoting parental involvement in education.

Section 725. Section 1012.53, Florida Statutes, is created to read:

1012.53 Duties of instructional personnel.--

(1) The primary duty of instructional personnel is to work diligently and faithfully to help students meet or exceed annual learning goals, to meet state and local achievement requirements, and to master the skills required to graduate

from high school prepared for postsecondary education and work. This duty applies to instructional personnel whether they teach or function in a support role.

(2) Members of the instructional staff of the public schools shall perform duties prescribed by rules of the district school board. The rules shall include, but are not limited to, rules relating to a teacher's duty to help students master challenging standards and meet all state and local requirements for achievement; teaching efficiently and faithfully, using prescribed materials and methods, including technology-based instruction; recordkeeping; and fulfilling the terms of any contract, unless released from the contract by the district school board.

Section 726. Section 1012.54, Florida Statutes, is created to read:

1012.54 Purpose of instructional personnel certification.--It is the intent of the Legislature that school personnel certified in this state possess the credentials, knowledge, and skills necessary to allow the opportunity for a high-quality education in the public schools. The purpose of school personnel certification is to protect the educational interests of students, parents, and the public at large by assuring that teachers in this state are professionally qualified. In fulfillment of its duty to the citizens of this state, the Legislature has established certification requirements to assure that educational personnel in public schools possess appropriate skills in reading, writing, and mathematics, and adequate pedagogical knowledge, including the use of technology to enhance student learning, and relevant subject matter competence so as to demonstrate an acceptable level of professional performance.

Further, the Legislature has established a certificate renewal process which promotes the continuing professional improvement of school personnel, thereby enhancing public education in all areas of the state.

Section 727. Section 1012.55, Florida Statutes, is created to read:

1012.55 Positions for which certificates required.--

(1) The State Board of Education shall classify school services, designate the certification subject areas, establish competencies, including the use of technology to enhance student learning, and certification requirements for all school-based personnel, and adopt rules in accordance with which the professional, temporary, and part-time certificates shall be issued by the Department of Education to applicants who meet the standards prescribed by such rules for their class of service. Each person employed or occupying a position as school supervisor, school principal, teacher, library media specialist, school counselor, athletic coach, or other position in which the employee serves in an instructional capacity, in any public school of any district of this state shall hold the certificate required by law and by rules of the State Board of Education in fulfilling the requirements of the law for the type of service rendered. However, the state board shall adopt rules authorizing district school boards to employ selected noncertificated personnel to provide instructional services in the individuals' fields of specialty or to assist instructional staff members as education paraprofessionals.

(2) Each person who is employed and renders service as an athletic coach in any public school in any district of this state shall hold a valid temporary or professional certificate or an athletic coaching certificate. The athletic coaching

certificate may be used for either part-time or full-time positions. The provisions of this subsection do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district of this state.

(3) Each person employed as a school nurse shall hold a license to practice nursing in the state, and each person employed as a school physician shall hold a license to practice medicine in the state.

(4) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the filing of fingerprints pursuant to s. 1012.32, if he or she meets the following qualifications:

(a) Is retired from active military duty, pursuant to chapter 102 of Title 10, U.S.C.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered.

Section 728. Effective July 1, 2002, section 1012.56, Florida Statutes, is created to read:

1012.56 Educator certification requirements.--

(1) APPLICATION.--Each person seeking certification pursuant to this chapter shall submit a completed application containing the applicant's social security number to the Department of Education and remit the fee required pursuant to

1 s. 1012.59 and rules of the State Board of Education. Pursuant
2 to the federal Personal Responsibility and Work Opportunity
3 Reconciliation Act of 1996, each party is required to provide
4 his or her social security number in accordance with this
5 section. Disclosure of social security numbers obtained
6 through this requirement shall be limited to the purpose of
7 administration of the Title IV-D program of the Social
8 Security Act for child support enforcement. Pursuant to s.
9 120.60, the department shall issue within 90 calendar days
10 after the stamped receipted date of the completed application:
11 (a) A certificate covering the classification, level,
12 and area for which the applicant is deemed qualified; or
13 (b) An official statement of status of eligibility.
14 The statement of status of eligibility must advise the
15 applicant of any qualifications that must be completed to
16 qualify for certification. Each statement of status of
17 eligibility is valid for 2 years after its date of issuance,
18 except as provided in paragraph (2)(d). A statement of status
19 of eligibility may be reissued for one additional 2-year
20 period if application is made while the initial statement of
21 status of eligibility is valid or within 1 year after the
22 initial statement expires, and if the certification subject
23 area is authorized to be issued by the state board at the time
24 the application requesting a reissued statement of status of
25 eligibility is received.
26 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
27 certification pursuant to this chapter, a person must:
28 (a) Be at least 18 years of age.
29 (b) File a written statement, under oath, that the
30 applicant subscribes to and will uphold the principles
31 incorporated in the Constitution of the United States and the

Constitution of the State of Florida.

(c) Document receipt of a bachelor's or higher degree from an accredited institution of higher learning, or a nonaccredited institution of higher learning that the Department of Education has identified as having a quality program resulting in a bachelor's degree, or higher. Each applicant seeking initial certification must have attained at least a 2.5 overall grade point average on a 4.0 scale in the applicant's major field of study. The applicant may document the required education by submitting official transcripts from institutions of higher education or by authorizing the direct submission of such official transcripts through established electronic network systems. The bachelor's or higher degree may not be required in areas approved in rule by the State Board of Education as nondegreed areas.

(d) Submit to a fingerprint check from the Department of Law Enforcement and the Federal Bureau of Investigation pursuant to s. 1012.32. If the fingerprint reports indicate a criminal history or if the applicant acknowledges a criminal history, the applicant's records shall be referred to the Bureau of Educator Standards for review and determination of eligibility for certification. If the applicant fails to provide the necessary documentation requested by the Bureau of Educator Standards within 90 days after the date of the receipt of the certified mail request, the statement of eligibility and pending application shall become invalid.

(e) Be of good moral character.

(f) Be competent and capable of performing the duties, functions, and responsibilities of an educator.

(g) Demonstrate mastery of general knowledge, pursuant to subsection (3).

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(h) Demonstrate mastery of subject area knowledge, pursuant to subsection (4).

(i) Demonstrate mastery of professional preparation and education competence, pursuant to subsection (5).

(3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of demonstrating mastery of general knowledge are:

(a) Achievement of passing scores on basic skills examination required by state board rule;

(b) Achievement of passing scores on the College Level Academic Skills Test earned prior to July 1, 2002;

(c) A valid standard teaching certificate issued by another state that requires an examination of mastery of general knowledge;

(d) A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

(e) A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

(4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means of demonstrating mastery of subject area knowledge are:

(a) Achievement of passing scores on subject area examinations required by state board rule;

(b) Completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school for a subject area for which

a subject area examination has not been developed and required by state board rule;

(c) Completion of the graduate level subject area specialization requirements specified in state board rule for a subject coverage requiring a master's or higher degree and achievement of a passing score on the subject area examination specified in state board rule;

(d) A valid standard teaching certificate issued by another state that requires an examination of mastery of subject area knowledge;

(e) A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards; or

(f) A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification.

(5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION COMPETENCE.--Acceptable means of demonstrating mastery of professional preparation and education competence are:

(a) Completion of an approved teacher preparation program at a postsecondary educational institution within this state and achievement of a passing score on the professional education competency examination required by state board rule;

(b) Completion of a teacher preparation program at a postsecondary educational institution outside Florida and achievement of a passing score on the professional education competency examination required by state board rule;

(c) A valid standard teaching certificate issued by another state that requires an examination of mastery of

professional education competence;

(d) A valid standard teaching certificate issued by another state and valid certificate issued by the National Board for Professional Teaching Standards;

(e) A valid standard teaching certificate issued by another state and documentation of 2 years of continuous successful full-time teaching or administrative experience during the 5-year period immediately preceding the date of application for certification;

(f) Completion of professional preparation courses as specified in state board rule, successful completion of a professional education competence demonstration program pursuant to paragraph (7)(b), and achievement of a passing score on the professional education competency examination required by state board rule; or

(g) Successful completion of a professional preparation alternative certification and education competency program, outlined in paragraph (7)(a).

(6) TYPES AND TERMS OF CERTIFICATION.--

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who meets all the requirements outlined in subsection (2).

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (4) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject area specialization in state board rule.

Amendment No. ___ (for drafter's use only)

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). The State Board of Education shall adopt rules to allow the department to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances. The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Amendment No. ___ (for drafter's use only)

(7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.--

(a) The Department of Education shall develop and each school district must provide a cohesive competency-based professional preparation alternative certification program by which members of a school district's instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in this subsection and rules of the State Board of Education. Participants must hold a state-issued temporary certificate. A school district shall provide a competency-based alternative certification preparation program developed by the Department of Education or developed by the district and approved by the Department of Education. The program shall include the following components:

1. A minimum period of initial preparation prior to assuming duties as the teacher of record.

2. An option for collaboration between school districts and other supporting agencies for implementation.

3. Experienced peer mentors.

4. An assessment that provides for:

a. An initial evaluation of each educator's competencies to determine an appropriate individualized professional development plan.

b. A postevaluation to assure successful completion of the program.

5. Professional education preparation content knowledge that includes, but is not limited to, the following:

a. Requirements specified in state board rule for professional preparation.

b. The educator-accomplished practices approved by the state board.

c. A variety of data indicators for student progress.

d. Methodologies, including technology-based methodologies, for teaching subject content that supports the Sunshine State Standards for students.

e. Techniques for effective classroom management.

f. Techniques and strategies for operationalizing the role of the teacher in assuring a safe learning environment for students.

g. Methodologies for assuring the ability of all students to read, write, and compute.

6. Required achievement of passing scores on the professional education competency examination required by state board rule.

(b) Each school district must and a state supported public school or a private school may develop and maintain a system by which members of the instructional staff may demonstrate mastery of professional education competence as required by law. Each program must be based on classroom application and instructional performance and must include a performance evaluation plan for documenting the demonstration of required professional education competence.

(8) EXAMINATIONS.--

(a) The Commissioner of Education, with the approval of the State Board of Education, may contract for developing, printing, administering, scoring, and appropriate analysis of the written examinations required.

(b) The State Board of Education shall, by rule, specify the examination scores that are required for the issuance of a professional certificate and temporary certificate. Such rules must define generic subject area competencies and must establish uniform evaluation guidelines.

(c) The State Board of Education shall designate the certification areas for subject area examinations. All required examinations may be taken prior to graduation.

(d) If an applicant takes an examination developed by this state and does not achieve the score necessary for certification, the applicant may review his or her completed examination and bring to the attention of the department any errors that would result in a passing score.

(e) For any examination developed by this state, the Department of Education and the State Board of Education shall maintain confidentiality of the examination, developmental materials, and workpapers, which are exempt from s. 119.07(1).

(f) The examinations used for demonstration of mastery of general knowledge, professional education competence, and subject area knowledge shall be aligned with student standards approved by the state board. The delivery system for these examinations shall provide for overall efficiency, user-friendly application, reasonable accessibility to prospective teachers, and prompt attainment of examination results. The examination of competency for demonstration of subject area knowledge shall be sufficiently comprehensive to assess subject matter expertise for individuals who have acquired subject knowledge either through college credit or by other means.

(g) All examination instruments, including developmental materials and workpapers directly related thereto, which are prepared, prescribed, or administered pursuant to this section shall be confidential and exempt from the provisions of s. 119.07(1) and from s. 1001.52. Provisions governing access to, maintenance of, and destruction of such instruments and related materials shall be prescribed by rules

of the State Board of Education.

(9) NONCITIZENS.--

(a) The State Board of Education may adopt rules for issuing certificates to noncitizens who are needed to teach and who are legally admitted to the United States through the United States Immigration and Naturalization Service. The filing of a written oath to uphold the principles of the Constitution of the United States and the Constitution of the State of Florida, required under paragraph (2)(b), does not apply to individuals assigned to teach on an exchange basis.

(b) A certificate may not be issued to a citizen of a nation controlled by forces that are antagonistic to democratic forms of government, except to an individual who has been legally admitted to the United States through the United States Immigration and Naturalization Service.

(10) DENIAL OF CERTIFICATE.--

(a) The Department of Education may deny an applicant a certificate if the department possesses evidence satisfactory to it that the applicant has committed an act or acts, or that a situation exists, for which the Education Practices Commission would be authorized to revoke a teaching certificate.

(b) The decision of the department is subject to review by the Education Practices Commission upon the filing of a written request from the applicant within 20 days after receipt of the notice of denial.

(11) STATE BOARD RULES.--The State Board of Education shall adopt rules pursuant to ss. 120.536 and 120.54, as necessary to implement this section.

(12) PRIOR APPLICATION.--Persons who apply for certification are governed by the law and rules in effect at

the time of application for issuance of the initial certificate, provided that continuity of certificates is maintained.

(13) PERSONNEL RECORDS.--The Department of Education shall maintain a complete statement of the academic preparation, professional training, and teaching experience of each person to whom a certificate is issued. The applicant or the district school superintendent shall furnish the information using a format or forms provided by the department.

(14) AUTHORITY OF COMMISSIONER.--The Commissioner of Education may make decisions regarding an applicant's certification under extenuating circumstances not otherwise provided for in statute or by rule. However, an applicant for certification approved by the commissioner must possess the credentials, knowledge, and skills necessary to provide quality education in the public schools.

(15) COMPARISON OF ROUTES TO A PROFESSIONAL CERTIFICATE.--Beginning with the 2003-2004 school year, the Department of Education shall conduct a longitudinal study to compare performance of certificateholders who are employed in Florida school districts. The study shall compare a sampling of educators who have qualified for a professional certificate since July 1, 2002, based on the following:

(a) Graduation from a state-approved teacher preparation program.

(b) Completion of a state-approved professional preparation and education competency program.

(c) A valid standard teaching certificate issued by a state other than Florida.

The department comparisons shall be made to determine if there is any significant difference in the performance of these groups of teachers, as measured by their students' achievement levels and learning gains as measured by s. 1008.22.

Section 729. Section 1012.565, Florida Statutes, is created to read:

1012.565 Educator certification for blind and visually impaired students.--As a part of the certification process, teachers certified in the education of blind and visually impaired students shall be required to demonstrate competence in reading, writing, and teaching braille pursuant to standards adopted by the Department of Education, comparable to the braille reading and writing standards adopted by the National Library Service for the Blind and Physically Handicapped, Library of Congress, Washington, D.C. The department shall ensure that teachers of students with visual impairments have access to inservice instruction for the purpose of updating their braille skill competence.

Section 730. Section 1012.57, Florida Statutes, is created to read:

1012.57 Certification of adjunct educators.--

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards may issue an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant has at least a minor in the subject area or demonstrates sufficient subject area mastery as determined by district school board policy. The adjunct teaching certificate

shall be used for part-time teaching positions. The intent of this provision is to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates. Adjunct certificateholders should be used as a strategy to reduce the teacher shortage; thus, adjunct certificateholders should supplement a school's instructional staff, not supplant it. Each school principal shall assign an experienced peer mentor to assist the adjunct teaching certificateholder during the certificateholder's first year of teaching, and an adjunct certificateholder may participate in a district's new teacher training program. District school boards shall provide the adjunct teaching certificateholder an orientation in classroom management prior to assigning the certificateholder to a school. Each adjunct teaching certificate is valid for 5 school years and is renewable if:

(a) The applicant completes a minimum of 60 inservice points or 3 semester hours of college credit. The earned credits must include instruction in classroom management, district school board procedures, school culture, and other activities that enhance the professional teaching skills of the certificateholder.

(b) The applicant has received satisfactory performance evaluations during each year of teaching under adjunct teaching certification.

(2) Individuals who are certified and employed pursuant to this section shall have the same rights and protection of laws as teachers certified pursuant to s. 1012.56.

Section 731. Section 1012.575, Florida Statutes, is

created to read:

1012.575 Alternative preparation programs for certified teachers to add additional coverage.--A district school board may design alternative teacher preparation programs to enable persons already certificated to add an additional coverage to their certificates. Each alternative teacher preparation program shall be reviewed and approved by the Department of Education to assure that persons who complete the program are competent in the necessary areas of subject matter specialization. Two or more school districts may jointly participate in an alternative preparation program for teachers.

Section 732. Section 1012.58, Florida Statutes, is created to read:

1012.58 Transition to Teaching Program.--

(1) LEGISLATIVE INTENT.--The Transition to Teaching Program is created to encourage and assist midcareer professionals who want to become teachers.

(2) GRANTS; ELIGIBLE APPLICANTS.--

(a) The Commissioner of Education shall design the process for receiving and evaluating grant proposals in accordance with state and federal appropriations guidelines. Grants may be awarded only to the extent that funding is provided.

(b) The Commissioner of Education shall request proposals from eligible applicants to participate in the program. Each application must:

1. Describe the target group of career-changing professionals upon which the applicant will focus in carrying out its program, including a description of the characteristics of the target group that shows how the

knowledge and experience of its members are likely to improve their ability to become effective teachers.

2. Describe how the applicant will identify and recruit program participants.

3. Describe how the applicant will ensure that program participants are placed and teach in eligible school districts in this state.

4. Describe the teacher support services that program participants will receive throughout at least their first year of teaching.

5. Describe how the applicant will collaborate with other institutions, agencies, or organizations to recruit, train, place, and support program participants, including evidence of the commitment of those institutions, agencies, or organizations to the applicant's program.

(c) The Commissioner of Education must require an evaluation process to measure the progress and effectiveness of the program. This evaluation must include:

1. The program's goals and objectives.

2. The performance indicators that the applicant will use to measure the program's progress.

3. The outcome measures that will be used to determine the program's effectiveness.

4. An assurance that the applicant will provide the commissioner with information the commissioner finds necessary to determine the overall effectiveness of the programs.

(3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

(a) An applicant shall estimate the funds required for the proposed program. All funds provided for a program must be used as authorized in federal guidelines.

(b) Eligible applicants are encouraged to implement

the program using the following components:

1. Recruiting program participants, including informing them of opportunities under the program and putting them in contact with other institutions, agencies, or organizations that will train, place, and support them in the teaching profession.

2. Assisting providers of teacher training to tailor their training to meet the particular needs of professionals who are changing their careers to teaching.

3. Placement activities, including identifying eligible local education agencies with a need for the skills and characteristics of the newly trained program participants and assisting those participants to obtain employment in those school districts.

4. Post-placement support activities for program participants.

(4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT REPAYMENT.--

(a) Each participant who receives a grant from the program to pursue a teacher preparation program must agree to teach in an eligible school district in this state for at least 3 years after certification. To be eligible, a school district must meet the requirements established in regulations that implement the Omnibus Appropriations Bill of 2000.

(b) The commissioner shall establish conditions under which a participant must repay all or a portion of the training stipend if the participant fails to complete his or her service obligation.

Section 733. Section 1012.585, Florida Statutes, is created to read:

1012.585 Process for renewal of professional

1 certificates.--
2 (1)(a) District school boards in this state shall
3 renew state-issued professional certificates as follows:
4 1. Each district school board shall renew state-issued
5 professional certificates for individuals who hold a
6 professional certificate by this state and are employed by
7 that district pursuant to criteria established in subsections
8 (2), (3), and (4) and rules of the State Board of Education.
9 2. The employing school district may charge the
10 individual an application fee not to exceed the amount charged
11 by the Department of Education for such services, including
12 associated late renewal fees. Each district school board
13 shall transmit monthly to the department a fee in an amount
14 established by the State Board of Education for each renewed
15 certificate. The fee shall not exceed the actual cost for
16 maintenance and operation of the statewide certification
17 database and for the actual costs incurred in printing and
18 mailing such renewed certificates. As defined in current rules
19 of the state board, the department shall contribute a portion
20 of such fee for purposes of funding the Educator Recovery
21 Network established in s. 1012.798. The department shall
22 deposit all funds into the Educational Certification Trust
23 Fund for use as specified in s. 1012.59.
24 (b) The department shall renew state-issued
25 professional certificates for individuals who are not employed
26 by a district school board of this state pursuant to criteria
27 established in subsections (2), (3), and (4) and requirements
28 specified in rules of the state board.
29 (2)(a) All professional certificates, except a
30 nonrenewable professional certificate, shall be renewable for
31 successive periods not to exceed 5 years after the date of

submission of documentation of completion of the requirements for renewal provided in subsection (3). Only one renewal may be granted during each 5-year validity period of a professional certificate.

(b) A teacher with national certification from the National Board for Professional Teaching Standards is deemed to meet state renewal requirements for the life of the teacher's national certificate in the subject shown on the national certificate.

(c) If the renewal application form is not received by the department or by the employing school district before the expiration of the professional certificate, the application form, application fee, and a late fee must be submitted before July 1 of the year following expiration of the certificate in order to renew the professional certificate.

(d) The State Board of Education shall adopt rules to allow a 1-year extension of the validity period of a professional certificate in the event of serious illness, injury, or other extraordinary extenuating circumstances of the applicant. The department shall grant such 1-year extension upon written request by the applicant or by the district school superintendent or the governing authority of a university lab school, state-supported school, or private school that employs the applicant.

(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. 1004.04(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. 1000.03(5) and 1001.23 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. 1012.98 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.

(b) In lieu of college course credit or inservice points, the applicant may renew a specialization area by passage of a state board approved subject area test.

(c) If an applicant wishes to retain more than two specialization areas on the certificate, the applicant shall be permitted two successive validity periods for renewal of all specialization areas, but must earn no fewer than 6 college course credit hours or the equivalent in any one validity period.

(d) The State Board of Education shall adopt rules for the expanded use of training for renewal of the professional certificate for educators who are required to complete training in teaching students of limited English proficiency as follows:

1. A teacher who holds a professional certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training in excess of 6 semester hours during one certificate-validity period toward renewal of the professional certificate during the subsequent validity periods.

2. A teacher who holds a temporary certificate may use college credits or inservice points completed in English-for-Speakers-of-Other-Languages training toward renewal of the teacher's first professional certificate. Such training must not have been included within the degree program, and the teacher's temporary and professional certificates must be issued for consecutive school years.

(4) When any person who holds a valid temporary certificate or professional certificate is called into or volunteers for actual wartime service or required peacetime military service training, the certificate shall be renewed for a period of time equal to the time spent in military service if the person makes proper application and presents substantiating evidence to the department or the employing school district regarding such military service.

(5) The State Board of Education shall adopt rules to allow the reinstatement of expired professional certificates. The department may reinstate an expired professional certificate if the certificateholder:

(a) Submits an application for reinstatement of the

1 expired certificate.
2 (b) Documents completion of 6 college credits during
3 the 5 years immediately preceding reinstatement of the expired
4 certificate, completion of 120 inservice points, or a
5 combination thereof, in an area specified in paragraph (3)(a).
6 (c) During the 5 years immediately preceding
7 reinstatement of the certificate, achieves a passing score on
8 the subject area test for each subject to be shown on the
9 reinstated certificate.
10
11 The requirements of this subsection may not be satisfied by
12 subject area tests or college credits completed for issuance
13 of the certificate that has expired.
14 Section 734. Section 1012.59, Florida Statutes, is
15 created to read:
16 1012.59 Certification fees.--
17 (1) The State Board of Education, by rule, shall
18 establish separate fees for applications, examinations,
19 certification, certification renewal, late renewal,
20 recordmaking, and recordkeeping, and may establish procedures
21 for scheduling and administering an examination upon an
22 applicant's request. Each fee shall be based on department
23 estimates of the revenue required to implement the provisions
24 of law with respect to certification of school personnel. The
25 application fee shall be nonrefundable. Each examination fee
26 shall be sufficient to cover the actual cost of developing and
27 administering the examination, but shall not exceed $100 for
28 an examination.
29 (2) The proceeds from the collection of certification
30 fees, fines, penalties, and costs levied pursuant to this
31 chapter shall be remitted by the Department of Education to

the Treasurer for deposit into a separate fund to be known as the "Educational Certification and Service Trust Fund" and disbursed for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates, upon vouchers approved by the department.

Section 735. Section 1012.595, Florida Statutes, is created to read:

1012.595 Saving clause.--Each applicant who was issued a certificate by the Department of Education prior to June 25, 1986, shall be entitled to hold such certificate. Henceforth, such certificate shall be renewed in accordance with the provisions of chapter 86-156, Laws of Florida. No judicial or administrative proceeding against a holder of a certificate shall be abated as a result of this chapter.

Section 736. Part III.e. of chapter 1012, Florida Statutes, shall be entitled "Leave, Retirement, Workers' Compensation in Public Schools" and shall consist of ss. 1012.61-1012.695.

Section 737. Section 1012.61, Florida Statutes, is created to read:

1012.61 Sick leave.--

(1) ELIGIBILITY.--Any member of the instructional staff or any other employee of a district school system employed on a full-time basis in the public schools of the state who is unable to perform his or her duty in the school on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, other close relative, or member of his or her own household, and consequently has to be absent from his or her work shall be

granted leave of absence for sickness by the district school superintendent or by someone designated in writing by the district school superintendent to do so.

(2) PROVISIONS GOVERNING SICK LEAVE.--The following provisions shall govern sick leave:

(a) Extent of leave.--

1. Each member of the instructional staff employed on a full-time basis is entitled to 4 days of sick leave as of the first day of employment of each contract year and shall thereafter earn 1 day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which may not be used before it is earned and credited to the member. Each other employee shall be credited with 4 days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for 1 day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which may not be used before it is earned and credited to the employee. However, each member of the instructional staff and each other employee is entitled to earn no more than 1 day of sick leave times the number of months of employment during the year of employment. If the employee terminates his or her employment and has not accrued the 4 days of sick leave available to him or her, the district school board may withhold the average daily amount for the days of sick leave used but unearned by the employee. Such leave may be taken only when necessary because of sickness as prescribed in this section. The sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which a member of the instructional staff or an educational support employee may

accrue, except that at least one-half of this cumulative leave must be established within the district granting such leave.

2. A district school board may establish policies and prescribe standards to permit an employee to be absent 6 days each school year for personal reasons. However, such absences for personal reasons must be charged only to accrued sick leave, and leave for personal reasons is noncumulative.

3. District school boards may adopt rules permitting the annual payment for accumulated sick leave that is earned for that year and that is unused at the end of the school year, based on the daily rate of pay of the employee multiplied by up to 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance. Such annual payment may apply only to instructional staff and educational support employees.

4. A district school board may establish policies to provide terminal pay for accumulated sick leave to instructional staff and educational support employees of the district school board. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled may be made to his or her beneficiary. However, such terminal pay may not exceed an amount determined as follows:

a. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

b. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

c. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of

accumulated sick leave.

d. During the next 3 years of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

e. During and after the 13th year of service, the daily rate of pay multiplied by 100 percent times the number of days of accumulated sick leave.

5. A district school board may establish policies to provide terminal pay for accumulated sick leave to any full-time employee of the district school board other than instructional staff or educational support employees as defined in this section. If termination of the employee is by death of the employee, any terminal pay to which the employee may have been entitled may be made to the employee's beneficiary.

a. Terminal pay may not exceed one-fourth of all unused sick leave accumulated on or after July 1, 2001, and may not exceed a maximum of 60 days of actual payment. This limit does not impair any contractual agreement established before July 1, 2001; however, a previously established contract renewed on or after July 1, 2001, constitutes a new contract.

b. For unused sick leave accumulated before July 1, 2001, terminal payment shall be made pursuant to a district school board's policies, contracts, or rules that are in effect on June 30, 2001.

c. If an employee has an accumulated sick leave balance of 60 days of actual payment or more prior to July 1, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance for leave earned before July 1, 2001, is less than 60 days.

(b) Claim must be filed.--Any district school board employee who finds it necessary to be absent from his or her duties because of illness, as defined in this section, shall notify his or her immediate supervisor, if possible, before the beginning of the workday on which the employee must be absent or during that day, except for emergency reasons recognized by the district school board as valid. Any district school board employee shall, before claiming and receiving compensation for the time absent from his or her duties while absent because of sick leave as prescribed in this section, make and file within 5 working days following his or her return from such absence with the district school superintendent of the district in which he or she is so employed a written certificate which shall set forth the day or days absent, that such absence was necessary, and that the employee is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section; however, the district school board of any district may adopt rules under which the district school superintendent may require a certificate of illness from a licensed physician or from the county health officer.

(c) Compensation.--Any employee having unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave, but no compensation may be allowed beyond that which may be provided in subsection (4).

(d) Expenditure authorized.--District school boards may expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules adopted by the Department of Management Services pursuant to chapter 650.

(e) Use by family member.--Each district school system

must provide a policy under which a district employee may authorize his or her spouse, child, parent, or sibling who is also a district employee to use sick leave that has accrued to the authorizing employee. In developing the policy, the district school board must provide that the recipient may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from a sick leave pool, if the recipient participates in a sick leave pool. Donated sick leave under this paragraph shall have no terminal value as provided in s. 1012.61(2).

(3) SICK LEAVE POOL.--Notwithstanding any other provision of this section, a district school board, based upon the maintenance of reliable and accurate records by the district school system showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, may, by rule or collective bargaining agreement, establish one or more plans allowing participating full-time employees of a district school system to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules or agreements shall include, but not be limited to, the following provisions:

(a) Participation in any sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in any sick leave pool after 1 year of employment with the district school system, provided the employee has accrued a minimum amount of unused sick leave which shall be established by rule and provided, further, a sick leave pool is established that allows participation by

that particular employee.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed by an employee to the pool. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for said employee's personal illness, accident, or injury.

(f) A participating employee is not eligible to use sick leave from the pool until all of his or her sick leave has been depleted, unless otherwise agreed to in a collective bargaining agreement. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool is not required to recontribute such sick leave to the pool, except as otherwise provided in this section.

(h) A participating employee who chooses to no longer participate in the sick leave pool is not eligible to withdraw any sick leave already contributed to the pool.

(i) Alleged abuse of the use of the sick leave pool shall be investigated and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from

the sick leave pool and be subject to such other disciplinary action as determined by the district school board to be appropriate. Rules adopted for the administration of this program shall provide for the investigation of the use of sick leave utilized by the participating employee in the sick leave pool.

Section 738. Section 1012.62, Florida Statutes, is created to read:

1012.62 Transfer of sick leave and annual leave.--In implementing the provisions of ss. 1001.42(4)(n) and 402.22(1)(d), educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board may request, and the district school board shall accept, a lump-sum transfer of accumulated sick leave for such personnel to the maximum allowed by policies of the district school board, notwithstanding the provisions of s. 110.122. Educational personnel in Department of Children and Family Services residential care facilities who are employed by a district school board under the provisions of s. 402.22(1)(d) may request, and the district school board shall accept, a lump-sum transfer of accumulated annual leave for each person employed by the district school board in a position in the district eligible to accrue vacation leave under policies of the district school board.

Section 739. Section 1012.63, Florida Statutes, is created to read:

1012.63 Illness-in-line-of-duty leave.--Any district school board employee shall be entitled to illness-in-line-of-duty leave when he or she has to be absent from his or her duties because of a personal injury received

in the discharge of duty or because of illness from any contagious or infectious disease contracted in school work. The following requirements shall be observed:

(1) DURATION OF LEAVE AND COMPENSATION.--Leave of the district school board employee shall be authorized for a total of not to exceed 10 school days during any school year for illness contracted, or injury incurred, from the causes prescribed above. However, in the case of sickness or injury occurring under such circumstances as in the opinion of the district school board warrant it, additional emergency sick leave may be granted out of local funds for such term and under such conditions as the district school board deems proper. The district school board may carry insurance to safeguard the district school board against excessive payments during any year.

(2) CLAIMS.--Any district school board employee who has any claim for compensation while absent because of illness contracted or injury incurred as prescribed herein shall file a claim in the manner prescribed in s. 1012.61(2)(b) within 5 working days following the employee's return from such absence. The school board of the district in which such person is employed shall approve the claims and authorize the payment thereof if the district school board is satisfied that the claim correctly states the facts and that the claim is entitled to payment in accordance with the provisions of this section.

Section 740. Section 1012.64, Florida Statutes, is created to read:

1012.64 Sabbatical leave.--

(1) Any member of the instructional staff of any school district may be granted sabbatical leave for a period

not to exceed 1 year. A person who receives such leave may be paid one-half of his or her ordinary salary during the period of such leave, or in accordance with negotiated agreement or district school board policy, and shall receive full benefits during such period. A person compensated under this section may not be compensated for other employment during the period of sabbatical leave so that he or she would receive combined compensation in excess of his or her ordinary salary.

(2) Funds, not to exceed 25 percent, of the district's allocation for inservice training under s. 1011.62(3) or other district funds may be expended in order to fulfill the provisions of this section, provided that the district allocates $5 of district funds for each $1 of state inservice training funds expended under this subsection.

(3) Each district school board shall adopt rules to implement this section.

Section 741. Section 1012.65, Florida Statutes, is created to read:

1012.65 Terminal pay for accrued vacation leave.--A district school board may establish policies to provide for a lump-sum payment for accrued vacation leave to an employee of the district school board upon termination of employment or upon retirement, or to the employee's beneficiary if service is terminated by death. Effective July 1, 2001, terminal pay for accrued vacation leave may not exceed a maximum of 60 days of actual payment. This limit does not impair any contractual agreement established before July 1, 2001. For unused vacation leave accumulated before July 1, 2001, terminal payment shall be made pursuant to the district school board's policies, contracts, or rules that are in effect on June 30, 2001.

Section 742. Section 1012.66, Florida Statutes, is

created to read:

1012.66 Provisions for leaves of absence.--All leaves of absence for all district school board employees, except those leaves prescribed by law, shall be granted with or without compensation pursuant to rules adopted by the district school board. Such leaves authorized by the district school board shall include, but are not limited to, professional leave and extended professional leave, personal leave, military leave granted in compliance with chapter 115, and maternity leave.

Section 743. Section 1012.67, Florida Statutes, is created to read:

1012.67 Absence without leave.--Any district school board employee who is willfully absent from duty without leave shall forfeit compensation for the time of such absence, and his or her employment shall be subject to termination by the district school board.

Section 744. Section 1012.68, Florida Statutes, is created to read:

1012.68 Records of absences.--The administrator of each designated organizational unit shall see that both the days present and the days absent for each employee are reported to the district school superintendent at least once each month in the manner prescribed for that purpose. This report shall include the exact dates of, and the reasons for, each absence. Each district school superintendent shall establish procedures to ensure maintenance of the complete records of all such absences.

Section 745. Section 1012.685, Florida Statutes, is created to read:

1012.685 Retirement; annuities authorized.--

(1) District school boards may purchase annuities for all school personnel with 25 or more years of creditable service who have reached age 50 and have applied for retirement under the Florida Retirement System or who have reached age 55 and have applied for retirement under plan E of the Teachers' Retirement System. No such annuity shall provide for more than the total difference in retirement income between the retirement benefit based on average monthly compensation and creditable service as of the member's early retirement date and the early retirement benefit.

(2) District school boards may purchase annuities for members of the Florida Retirement System who have out-of-state teaching service in another state or country which is documented as valid by the appropriate district school board. Such annuities may be based on no more than 5 years of out-of-state teaching service and may equal, but not exceed, the benefits that would be payable under the Florida Retirement System if credit for out-of-state teaching was authorized under that system.

(3) District school boards may invest funds, purchase annuities, or provide local supplemental retirement programs for purposes of providing annuities for school personnel.

(4) All retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 746. Section 1012.69, Florida Statutes, is created to read:

1012.69 Provisions relating to Workers' Compensation Law.--Nothing contained in this chapter shall supersede any of the provisions of the Workers' Compensation Law; provided, however, that where amounts payable under the provisions of the education code, for injuries, accidents, or other

disabilities which would entitle an employee to compensation under the provisions of the Workers' Compensation Law exceed the amounts payable under the compensation law, payments shall be made, as provided in the education code, for the difference between the amount paid under the Workers' Compensation Law and the amount due under the provisions of the education code.

Section 747. Section 1012.695, Florida Statutes, is created to read:

1012.695 Local civil service system laws not superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not be construed to supersede or modify any local law establishing a civil service system covering employees of any school district.

Section 748. Part III.f. of chapter 1012, Florida Statutes, shall be entitled "Educator Benefits; Liability Protection; Awards in Public Schools" and shall consist of ss. 1012.71-1012.77.

Section 749. Section 1012.71, Florida Statutes, is created to read:

1012.71 The Florida Teachers Lead Program Stipend.--

(1) Funding for the Florida Teachers Lead Program Stipend shall be as determined by the Legislature in the General Appropriations Act. Funds appropriated for the Florida Teachers Lead Program Stipend are provided to purchase classroom materials and supplies used in the instruction of students in kindergarten through grade 12 of the public school system. From the funds appropriated, the Commissioner of Education shall calculate an amount for each school district by prorating the total of each school district's share of the total K-12 unweighted FTE student enrollment.

(2) From the funds allocated to each district, the

district school board shall calculate an identical amount for each classroom teacher which is his or her proportionate share of the amount allocated to the district for the total number of teachers in the district. The district school board shall provide the funds no later than September 30 of each year directly to each teacher as a stipend to purchase, on behalf of the school district, classroom materials and supplies to be used in the instruction of students assigned to the teacher. Each teacher shall have sole discretion regarding which classroom materials and supplies best meet the needs of the students, when they are needed, and where they are acquired. The funds expended by individual teachers shall not be subject to state or local competitive bidding requirements. Disbursement of Florida Teachers Lead Program Stipend funds directly to each teacher shall complete the school district's expenditure of these funds.

(3) Each teacher shall sign a statement acknowledging receipt of the funds, agreeing to keep receipts to show the expenditure of the funds used to purchase classroom materials and supplies for use in the instruction of the students assigned to them, and agreeing to return any unused funds by the end of the regular school year. The statement to be signed and dated by each teacher for receipt of the Florida Teachers Lead Program Stipend shall include the wording: "I, ...(Name of teacher)..., am employed by the .... County District School Board as a full-time classroom teacher. I acknowledge that Florida Teachers Lead Program Stipend funds are appropriated by the Legislature for the sole purpose of purchasing classroom materials and supplies to be used in the instruction of students assigned to me. In accepting custody of these funds, I agree to keep receipts for all expenditures. I

understand that if I do not keep receipts showing these funds were spent to purchase classroom materials and supplies for use with my students, it will be my personal responsibility to pay any federal taxes due on these funds. I also agree to return any unused funds to the district school board at the end of the regular school year for deposit into the School Advisory Council account of the school at which I was employed at the time of the receipt of the funds."

(4) Florida Teachers Lead Program Stipend funds shall be provided to each teacher in addition to any other funds appropriated for public school operations.

(5) Any unused funds which are returned to the district school board shall be deposited into the School Advisory Council account of the school at which the teacher returning the funds was employed at the time of the receipt of the funds.

(6) For purposes of this section, the term "classroom teacher" includes certified teachers employed on or before September 1 of each year whose full-time job responsibility is the classroom instruction of students in kindergarten through grade 12, and full-time media specialists and guidance counselors who serve students in kindergarten through grade 12. Only school district personnel employed in these positions are eligible for the classroom materials and supply stipend from funds appropriated to implement the provisions of this section.

Section 750. Section 1012.72, Florida Statutes, is created to read:

1012.72 Excellent Teaching Program.--

(1) The Legislature recognizes that teachers play a critical role in preparing students to achieve the high levels

of academic performance expected by the Sunshine State Standards. The Legislature further recognizes the importance of identifying and rewarding teaching excellence and of encouraging good teachers to become excellent teachers. The Legislature finds that the National Board of Professional Teaching Standards (NBPTS) has established high and rigorous standards for accomplished teaching and has developed a national voluntary system for assessing and certifying teachers who demonstrate teaching excellence by meeting those standards. It is therefore the Legislature's intent to provide incentives for teachers to seek NBPTS certification and to reward teachers who demonstrate teaching excellence by attaining NBPTS certification and sharing their expertise with other teachers.

(2) The Excellent Teaching Program is created to provide monetary incentives and bonuses for teaching excellence. The Department of Education shall distribute to each school district or to the NBPTS an amount as prescribed annually by the Legislature for the Excellent Teaching Program. For purposes of this section, the Florida School for the Deaf and the Blind shall be considered a school district. Unless otherwise provided in the General Appropriations Act, each distribution shall be the sum of the amounts earned for the following incentives and bonuses:

(a) A fee subsidy to be paid by the Department of Education to the NBPTS on behalf of each individual who is an employee of a district school board or a public school within the school district, who is certified by the district to have demonstrated satisfactory teaching performance pursuant to s. 1012.34 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. The fee subsidy is a one-time award and may not be duplicated for any individual.

(b) A portfolio-preparation incentive of $150 paid by the Department of Education to each teacher employed by a district school board or a public school within a school district who is participating in the NBPTS certification program. The portfolio-preparation incentive is a one-time award paid during the school year for which the NBPTS fee subsidy is provided.

(c) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who holds NBPTS certification and is employed by the district school board or by a public school within the 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. 1012.34. The annual bonus may be paid as a single payment or divided into not more than three payments.

(d) An annual bonus equal to 10 percent of the prior fiscal year's statewide average salary for classroom teachers to be distributed to the school district to be paid to each individual who meets the requirements of paragraph (c) and agrees, in writing, to provide the equivalent of 12 workdays

of mentoring and related services to public school teachers within the state who do not hold NBPTS certification. The district school board shall distribute the annual bonus in a single payment following the completion of all required mentoring and related services for the year. It is not the intent of the Legislature to remove excellent teachers from their assigned classrooms; therefore, credit may not be granted by a school district or public school for mentoring or related services provided during student contact time during the 196 days of required service for the school year.

A teacher for whom the state pays the certification fee and who does not complete the certification program or does not teach in a public school of this state for at least 1 year after completing the certification program must repay the amount of the certification fee to the state. However, a teacher who completes the certification program but fails to be awarded NBPTS certification is not required to repay the amount of the certification fee if the teacher meets the 1-year teaching requirement. Repayment is not required of a teacher who does not complete the certification program or fails to fulfill the teaching requirement because of the teacher's death or disability or because of other extenuating circumstances as determined by the State Board of Education.

(3)(a) In addition to any other remedy available under the law, any person who is a recipient of a certification fee subsidy paid to the NBPTS and who is an employee of the state or any of its political subdivisions is considered to have consented, as a condition of employment, to the voluntary or involuntary withholding of wages to repay to the state the amount of such a certification fee subsidy awarded under this

section. Any such employee who defaults on the repayment of such a certification fee subsidy must, within 60 days after service of a notice of default by the Department of Education to the employee, establish a repayment schedule which must be agreed to by the department and the employee, for repaying the defaulted sum through payroll deductions. The department may not require the employee to pay more than 10 percent of the employee's pay per pay period under such a repayment schedule or plan. If the employee fails to establish a repayment schedule within the specified period of time or fails to meet the terms and conditions of the agreed upon or approved repayment schedule as authorized by this subsection, the employee has breached an essential condition of employment and is considered to have consented to the involuntary withholding of wages or salary for the repayment of the certification fee subsidy.

(b) A person who is employed by the state, or any of its political subdivisions, may not be dismissed for having defaulted on the repayment of the certification fee subsidy to the state.

(4) The State Board of Education may adopt rules pursuant to ss. 120.536 and 120.54 as necessary to implement the provisions for payment of the fee subsidies, incentives, and bonuses and for the repayment of defaulted certification fee subsidies under this section.

(5) The Excellent Teaching Program Trust Fund shall be administered by the Department of Education pursuant to s. 1010.72.

Section 751. Section 1012.73, Florida Statutes, is created to read:

1012.73 Florida Mentor Teacher School Pilot Program.--

(1) The Legislature recognizes that high-quality teachers are essential to assuring excellence and increasing the achievement levels of all students. The purpose of this section is to provide a model to reform and improve the current structure of the teaching profession. There is created a Florida Mentor Teacher School Pilot Program to attract, retain, and motivate high-quality teachers. The commissioner shall select a combination of elementary, middle, and high schools representing small, medium, and large districts. Each approved school shall receive an equivalent grant based upon the number of schools selected by the commissioner and the amount of the legislative appropriation. Each mentor teacher school program shall be approved based on criteria specified by the commissioner.

(2) The goals of the Florida Mentor Teacher School Pilot Program are to:

(a) Provide teachers with multiple career paths, beginning as education paraprofessionals and rising to associate teachers, teachers, lead teachers, and mentor teachers. The five levels must have highly differentiated duties. The mentor teacher shall have a reduced teaching schedule that permits weekly instruction to all students under the mentor teacher's supervision while also allowing for demonstration lessons, coaching, facilitating curriculum development, and providing staff development for other teachers at the school.

(b) Establish broad salary ranges to provide flexibility and to reward performance and to negotiate salaries to attract teachers to hard-to-staff schools and subjects. Advancement shall be determined by academic achievement, examination, demonstration, and student learning

gains data. Each mentor teacher shall be eligible for a total annual salary incentive of up to twice the average district classroom teacher's salary. Fifty percent of the mentor teacher salary incentive shall be based on increased student achievement of students assigned to the supervision of the mentor teacher.

(c) Provide ongoing professional development for teachers to learn and grow professionally that includes a daily block of time for associate teachers, teachers, and lead teachers to reflect and plan and to interact with the mentor teacher.

(d) Provide all eligible teachers with the opportunity for national certification.

(e) Provide for a specified organizational pattern, such as clusters or teams of teachers for grade levels or subject areas comprised of associate teachers, teachers, and lead teachers who are supported by education paraprofessional learning guides and directed by a mentor teacher.

(3) The five teacher career development positions and minimum requirements are:

(a) Education paraprofessional learning guide.--An education paraprofessional learning guide must hold an associate degree from a postsecondary educational institution and must demonstrate appropriate writing, speaking, and computation skills.

(b) Associate teacher.--An associate teacher must hold a bachelor's degree from a postsecondary educational institution and a valid Florida teaching certificate as provided by s. 1012.56.

(c) Teacher.--A teacher must hold a bachelor's degree or higher from a postsecondary educational institution and a

1 valid Florida teaching certificate, have a minimum of 3 years'
2 full-time teaching experience, document satisfactory teaching
3 performance, and document evidence of positive student
4 learning gains, when data become available.
5 (d) Lead teacher.--A lead teacher must hold a
6 bachelor's degree or higher from a postsecondary educational
7 institution and a valid Florida professional teaching
8 certificate, have a minimum of 3 years' full-time teaching
9 experience, document exemplary teaching performance, and
10 document evidence of significant positive student learning
11 gains, when data become available. A lead teacher shall
12 provide intensive support for associate teachers and teachers.
13 (e) Mentor teacher.--A mentor teacher must:
14 1. Hold a bachelor's degree or higher from a
15 postsecondary educational institution and a valid Florida
16 professional teaching certificate.
17 2. Have a minimum of 5 years' full-time teaching
18 experience.
19 3. Document exemplary teaching performance.
20 4. Document evidence of significant positive student
21 learning gains, when data become available.
22 5. Hold a valid National Board for Professional
23 Teaching Standards certificate; have been selected as a
24 school, district, or state teacher of the year; or hold an
25 equivalent status as determined by the commissioner.
26 6. Demonstrate expertise as a staff developer.
27 (4) The State Board of Education may adopt rules,
28 pursuant to ss. 120.536(1) and 120.54, for the implementation
29 of this section and approval of the mentor teacher school
30 program.
31 (5) This section shall be implemented to the extent

1 specifically funded in the General Appropriations Act.
2 Section 752. Section 1012.74, Florida Statutes, is
3 created to read:
4 1012.74 Florida educators professional liability
5 insurance protection.--
6 (1) The Legislature intends that all the teachers in
7 this state be protected from liability for monetary damages
8 and the cost of defense of actions resulting from claims made
9 against them arising out of occurrences in the course of
10 activities in their professional capacity.
11 (2)(a) Educator professional liability coverage for
12 all instructional personnel, as defined by s. 1012.01(2), who
13 are full-time personnel, as defined by the district school
14 board policy, shall be provided by specific appropriations
15 under the General Appropriations Act.
16 (b) Educator professional liability coverage shall be
17 extended at cost to all instructional personnel, as defined by
18 s. 1012.01(3), who are part-time personnel, as defined by the
19 district school board policy, and choose to participate in the
20 state-provided program.
21 (c) Educator professional liability coverage shall be
22 extended at cost to all administrative personnel, as defined
23 by s. 1012.01(2), who choose to participate in the
24 state-provided program.
25 (3) The Department of Education shall administer the
26 educator liability program. The insurance carrier providing
27 any portion of educator professional liability coverage under
28 the program which is procured with state funds must be
29 selected by a competitive process. The amount of the
30 appropriation for purchase of liability insurance remaining
31 after liability insurance is provided shall revert to general

revenue unallocated.

Section 753. Section 1012.75, Florida Statutes, is created to read:

1012.75 Liability of teacher or principal; excessive force.--

(1) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s. 1006.09.

(2) The State Board of Education shall adopt rules that outline administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to school personnel in receiving the limitations on liability specified in this section.

Section 754. Section 1012.77, Florida Statutes, is created to read:

1012.77 Christa McAuliffe Ambassador for Education Program.--

(1) The Legislature recognizes that Florida continues to face teacher shortages and that fewer young people consider teaching as a career. It is the intent of the Legislature to promote the positive and rewarding aspects of being a teacher, to encourage more individuals to become teachers, and to provide annual sabbatical support for outstanding Florida

teachers to serve as goodwill ambassadors for education. The Legislature further wishes to honor the memory of Christa McAuliffe, who epitomized the challenge and inspiration that teaching can be.

(2) The Christa McAuliffe Ambassador for Education Program is established to provide salary, travel, and other related expenses annually for an outstanding Florida teacher to promote the positive aspects of teaching as a career. The goals of the program are to:

(a) Enhance the stature of teachers and the teaching profession.

(b) Promote the importance of quality education and teaching for our future.

(c) Inspire and attract talented people to become teachers.

(d) Provide information regarding Florida's scholarship and loan programs related to teaching.

(e) Promote the teaching profession within community and business groups.

(f) Provide information to retired military personnel and other individuals who might consider teaching as a second career.

(g) Work with and represent the Department of Education, as needed.

(h) Work with and encourage the efforts of school and district teachers of the year.

(i) Support the activities of the Florida Future Educator of America Program.

(j) Represent Florida teachers at business, trade, education, and other conferences and meetings.

(k) Promote the teaching profession in other ways

related to the teaching responsibilities, background experiences, and aspirations of the Ambassador for Education.

(3) The Teacher of the Year shall serve as the Ambassador for Education. If the Teacher of the Year is unable to serve as the Ambassador for Education, the first runner-up shall serve in his or her place. The Department of Education shall establish application and selection procedures for determining an annual teacher of the year. Applications and selection criteria shall be developed and distributed annually by the Department of Education to all school districts. The Commissioner of Education shall establish a selection committee which assures representation from teacher organizations, administrators, and parents to select the Teacher of the Year and Ambassador for Education from among the district teachers of the year.

(4)(a) The Commissioner of Education shall pay an annual salary, fringe benefits, travel costs, and other costs associated with administering the program.

(b) The Ambassador for Education shall serve for 1 year, from July 1 to June 30, and shall be assured of returning to his or her teaching position upon completion of the program. The ambassador will not have a break in creditable or continuous service or employment for the period of time in which he or she participates in the program.

Section 755. Part III.g. of chapter 1012, Florida Statutes, shall be entitled "Personnel Discipline and Assistance in Public Schools" and shall consist of ss. 1012.79-1012.799.

Section 756. Section 1012.79, Florida Statutes, is created to read:

1012.79 Education Practices Commission;

organization.--

(1) The Education Practices Commission consists of 17 members, including 7 teachers, 5 administrators, and 5 lay citizens (of whom 2 shall be former district school board members), appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Prior to making nominations, the commissioner shall consult with the teaching and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.

2. Must be a resident of the state.

3. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.

2. Must be a resident of the state.

3. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The lay members must be residents of the state.

(2) Members of the commission shall serve for 4-year staggered terms. No commission member may serve more than 8 years.

(3) The State Board of Education may remove any member

from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

(4) From among its members, the commission shall elect a chair who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department may reimburse local school districts for substitutes.

(5) The commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service. The executive director may be dismissed by a majority vote of the membership.

(6)(a) The commission shall be assigned to the Department of Education for administrative purposes. The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Education.

(b) The property, personnel, and appropriations related to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Education.

(7) The duties and responsibilities of the commission are to:

(a) Interpret and apply the standards of professional practice established by the State Board of Education.

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. 1012.56 and 1012.796.

(c) Report to and meet with the State Board of

Education at least once each year.

(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it.

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case concerning a complaint against a teacher shall be reviewed and a final order thereon shall be entered by a panel composed of seven commission members, four of whom shall be teachers. A case concerning a complaint against an administrator shall be reviewed and a final order thereon shall be entered by a panel composed of seven commission members, four of whom shall be administrators.

(b) A majority of a quorum of a panel of the commission shall have final agency authority in all cases involving the revocation, suspension, or other disciplining of certificates of teachers and school administrators. A majority of the membership of the panel shall constitute a quorum. The district school board shall retain the authority to discipline teachers and administrators pursuant to law.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Banking and Finance as provided in s. 17.03.

(10) The commission shall be financed from the

following: certification fees; fines, penalties, and costs collected pursuant to s. 1012.796(9); and general revenue.

Section 757. Section 1012.795, Florida Statutes, is created to read:

1012.795 Education Practices Commission; authority to discipline.--

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 3 years, thereby denying that person the right to teach for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, provided it can be shown that the person:

(a) Obtained the educator certificate by fraudulent means.

(b) Has proved to be incompetent to teach or to perform duties as an employee of the public school system or to teach in or to operate a private school.

(c) Has been guilty of gross immorality or an act involving moral turpitude.

(d) Has had an educator certificate revoked in another state.

(e) Has been convicted of a misdemeanor, felony, or any other criminal charge, other than a minor traffic

1 violation.
2 (f) Upon investigation, has been found guilty of
3 personal conduct which seriously reduces that person's
4 effectiveness as an employee of the district school board.
5 (g) Has breached a contract, as provided in s.
6 1012.33(2).
7 (h) Has been the subject of a court order directing
8 the Education Practices Commission to suspend the certificate
9 as a result of a delinquent child support obligation.
10 (i) Has violated the Principles of Professional
11 Conduct for the Education Profession prescribed by State Board
12 of Education rules.
13 (j) Has otherwise violated the provisions of law, the
14 penalty for which is the revocation of the educator
15 certificate.
16 (k) Has violated any order of the Education Practices
17 Commission.
18 (2) The plea of guilty in any court, the decision of
19 guilty by any court, the forfeiture by the teaching
20 certificateholder of a bond in any court of law, or the
21 written acknowledgment, duly witnessed, of offenses listed in
22 subsection (1) to the district school superintendent or a duly
23 appointed representative or to the district school board shall
24 be prima facie proof of grounds for revocation of the
25 certificate as listed in subsection (1) in the absence of
26 proof by the certificateholder that the plea of guilty,
27 forfeiture of bond, or admission of guilt was caused by
28 threats, coercion, or fraudulent means.
29 (3) The revocation by the Education Practices
30 Commission of an educator certificate of any person
31 automatically revokes any and all Florida educator

1 certificates held by that person.
2 (4)(a) An educator certificate which has been
3 suspended under this section is automatically reinstated at
4 the end of the suspension period, provided the certificate did
5 not expire during the period of suspension. If the
6 certificate expired during the period of suspension, the
7 holder of the former certificate may secure a new certificate
8 by making application therefor and by meeting the
9 certification requirements of the state board current at the
10 time of the application for the new certificate. An educator
11 certificate suspended pursuant to a court order for a
12 delinquent child support obligation may only be reinstated
13 upon notice from the court that the party has complied with
14 the terms of the court order.
15 (b) A person whose educator certificate has been
16 revoked under this section may apply for a new certificate at
17 the expiration of that period of ineligibility fixed by the
18 Education Practices Commission by making application therefor
19 and by meeting the certification requirements of the state
20 board current at the time of the application for the new
21 certificate.
22 (5) Each district school superintendent and the
23 governing authority of each university lab school,
24 state-supported school, or private school shall report to the
25 department the name of any person certified pursuant to this
26 chapter or employed and qualified pursuant to s. 1012.39:
27 (a) Who has been convicted of, or who has pled nolo
28 contendere to, a misdemeanor, felony, or any other criminal
29 charge, other than a minor traffic infraction;
30 (b) Who that official has reason to believe has
31 committed or is found to have committed any act which would be

1 a ground for revocation or suspension under subsection (1); or
2 (c) Who has been dismissed or severed from employment
3 because of conduct involving any immoral, unnatural, or
4 lascivious act.
5 (6)(a) When an individual violates the provisions of a
6 settlement agreement enforced by a final order of the
7 Education Practices Commission, an order to show cause may be
8 issued by the clerk of the commission. The order shall require
9 the individual to appear before the commission to show cause
10 why further penalties should not be levied against the
11 individual's certificate pursuant to the authority provided to
12 the Education Practices Commission in subsection (1). The
13 Education Practices Commission may fashion further penalties
14 under the authority of subsection (1) as deemed appropriate
15 when the show cause order is responded to by the individual.
16 (b) The Education Practices Commission shall issue a
17 final order revoking an individual's Florida educator's
18 certificate for a minimum of 1 year under the following
19 circumstances:
20 1. If the individual:
21 a. Has been found to have violated the provisions of
22 this section, such that the Education Practices Commission has
23 the authority to discipline the individual's Florida
24 educator's certificate on two separate occasions;
25 b. Has twice entered into a settlement agreement
26 enforced by a final order of the Education Practices
27 Commission; or
28 c. Has been found to have violated the provisions of
29 this section, such that the Education Practices Commission has
30 the authority to discipline the individual's Florida
31 educator's certificate on one occasion and entered into a

settlement agreement enforced by a final order of the Education Practices Commission on one occasion; and

2. A third finding of probable cause and a finding that the allegations are proven or admitted to is subsequently found by the Commissioner of Education.

If, in the third instance, the individual enters into a settlement agreement with the Department of Education, that agreement shall also include a penalty revoking that individual's Florida educator's certificate for a minimum of 1 year.

Section 758. Section 1012.796, Florida Statutes, is created to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.--

(1)(a) The Department of Education shall cause to be investigated expeditiously any complaint filed before it or otherwise called to its attention which, if legally sufficient, contains grounds for the revocation or suspension of a certificate or any other appropriate penalty as set forth in subsection (7). The complaint is legally sufficient if it contains the ultimate facts which show a violation has occurred as provided in s. 1012.795. The department may investigate or continue to investigate and take appropriate action in a complaint even though the original complainant withdraws the complaint or otherwise indicates a desire not to cause it to be investigated or prosecuted to completion. The department may investigate or continue to investigate and take action on a complaint filed against a person whose educator certificate has expired if the act or acts which are the basis for the complaint were allegedly committed while that person

possessed an educator certificate.

(b) When an investigation is undertaken, the department shall notify the certificateholder and the district school superintendent in the district in which the certificateholder is employed and shall inform the certificateholder of the substance of any complaint which has been filed against that certificateholder, unless the department determines that such notification would be detrimental to the investigation, in which case the department may withhold notification.

(c) Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district. The school district shall include all information relating to the complaint which is known to the school district at the time of filing. Each district school board shall develop policies and procedures to comply with this reporting requirement. The district school board policies and procedures shall include appropriate penalties for all personnel of the district school board for nonreporting and procedures for promptly informing the district school superintendent of each legally sufficient complaint. The district school superintendent is charged with knowledge of these policies and procedures. If the district school superintendent has knowledge of a legally sufficient complaint and does not report the complaint, or fails to enforce the policies and procedures of the district school board, and fails to comply with the requirements of this subsection, in addition to other actions against certificateholders authorized by law, the district school superintendent shall be subject to penalties as specified in

s. 1001.51(13). This paragraph does not limit or restrict the power and duty of the department to investigate complaints as provided in paragraphs (a) and (b), regardless of the school district's untimely filing, or failure to file, complaints and followup reports.

(2) The Commissioner of Education shall develop job specifications for investigative personnel employed by the department. Such specifications shall be substantially equivalent to or greater than those job specifications of investigative personnel employed by the Department of Business and Professional Regulation. The department may contract with the Department of Business and Professional Regulation for investigations. No person who is responsible for conducting an investigation of a teacher or administrator may prosecute the same case. The department general counsel or members of that staff may conduct prosecutions under this section.

(3) The department staff shall advise the commissioner concerning the findings of the investigation. The department general counsel or members of that staff shall review the investigation and advise the commissioner concerning probable cause or lack thereof. The determination of probable cause shall be made by the commissioner. The commissioner shall provide an opportunity for a conference, if requested, prior to determining probable cause. The commissioner may enter into deferred prosecution agreements in lieu of finding probable cause when in his or her judgment such agreements would be in the best interests of the department, the certificateholder, and the public. Such deferred prosecution agreements shall become effective when filed with the clerk of the Education Practices Commission. However, a deferred prosecution agreement shall not be entered into where there is

probable cause to believe that a felony or an act of moral turpitude has occurred. Upon finding no probable cause, the commissioner shall dismiss the complaint.

(4) The complaint and all information obtained pursuant to the investigation by the department shall be confidential and exempt from the provisions of s. 119.07(1) until the conclusion of the preliminary investigation of the complaint, until such time as the preliminary investigation ceases to be active, or until such time as otherwise provided by s. 1012.798(6). However, the complaint and all material assembled during the investigation may be inspected and copied by the certificateholder under investigation, or the certificateholder's designee, after the investigation is concluded, but prior to the determination of probable cause by the commissioner. If the preliminary investigation is concluded with the finding that there is no probable cause to proceed, the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation is concluded with the finding that there is probable cause to proceed and a complaint is filed pursuant to subsection (6), the complaint and information shall be open thereafter to inspection pursuant to s. 119.07(1). If the preliminary investigation ceases to be active, the complaint and all such material shall be open thereafter to inspection pursuant to s. 119.07(1), except as otherwise provided pursuant to s. 1012.798(6). For the purpose of this subsection, a preliminary investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future.

(5) When deemed necessary to protect the health,

safety, and welfare of a minor student, the district school superintendent in consultation with the school principal may, and upon the request of the Commissioner of Education shall, temporarily suspend a certificateholder from the certificateholder's regularly assigned duties, with pay, and reassign the suspended certificateholder to a position that does not require direct contact with students in the district school system. Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.

(6) Upon the finding of probable cause, the commissioner shall file a formal complaint and prosecute the complaint pursuant to the provisions of chapter 120. An administrative law judge shall be assigned by the Division of Administrative Hearings of the Department of Management Services to hear the complaint if there are disputed issues of material fact. The administrative law judge shall make recommendations in accordance with the provisions of subsection (7) to the appropriate Education Practices Commission panel which shall conduct a formal review of such recommendations and other pertinent information and issue a final order. The commission shall consult with its legal counsel prior to issuance of a final order.

(7) A panel of the commission shall enter a final order either dismissing the complaint or imposing one or more of the following penalties:

(a) Denial of an application for a teaching certificate or for an administrative or supervisory endorsement on a teaching certificate. The denial may provide that the applicant may not reapply for certification, and that the department may refuse to consider that applicant's

1 application, for a specified period of time or permanently.
2 (b) Revocation or suspension of a certificate.
3 (c) Imposition of an administrative fine not to exceed
4 $2,000 for each count or separate offense.
5 (d) Placement of the teacher, administrator, or
6 supervisor on probation for a period of time and subject to
7 such conditions as the commission may specify, including
8 requiring the certified teacher, administrator, or supervisor
9 to complete additional appropriate college courses or work
10 with another certified educator, with the administrative costs
11 of monitoring the probation assessed to the educator placed on
12 probation.
13 (e) Restriction of the authorized scope of practice of
14 the teacher, administrator, or supervisor.
15 (f) Reprimand of the teacher, administrator, or
16 supervisor in writing, with a copy to be placed in the
17 certification file of such person.
18 (g) Imposition of an administrative sanction, upon a
19 person whose teaching certificate has expired, for an act or
20 acts committed while that person possessed a teaching
21 certificate or an expired certificate subject to late renewal,
22 which sanction bars that person from applying for a new
23 certificate for a period of 10 years or less, or permanently.
24 (8) Violations of the provisions of probation shall
25 result in an order to show cause issued by the clerk of the
26 Education Practices Commission. Upon failure of the
27 probationer, at the time and place stated in the order, to
28 show cause satisfactorily to the Education Practices
29 Commission why a penalty for violating probation should not be
30 imposed, the Education Practices Commission shall impose
31 whatever penalty is appropriate as established in s.

1012.795(6). Any probation period will be tolled when an order to show cause has been issued until the issue is resolved by the Education Practices Commission.

(9) All moneys collected by, or awarded to, the commission as fees, fines, penalties, or costs shall be deposited into the Educational Certification and Service Trust Fund pursuant to s. 1012.59.

Section 759. Section 1012.797, Florida Statutes, is created to read:

1012.797 Notification of district school superintendent of certain charges against or convictions of employees.--

(1) Notwithstanding the provisions of s. 985.04(4) or any other provision of law to the contrary, a law enforcement agency shall, within 48 hours, notify the appropriate district school superintendent of the name and address of any employee of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance. The notification shall include the specific charge for which the employee of the school district was arrested. Such notification shall include other education providers such as the Florida School for the Deaf and the Blind, university lab schools, and private elementary and secondary schools.

(2) Except to the extent necessary to protect the health, safety, and welfare of other students, the information obtained by the district school superintendent pursuant to this section may be released only to appropriate school personnel or as otherwise provided by law.

Section 760. Section 1012.798, Florida Statutes, is created to read:

Amendment No. ___ (for drafter's use only)

1012.798 Recovery network program for educators.--

(1) RECOVERY NETWORK ESTABLISHED.--There is created within the Department of Education, a recovery network program to assist educators who are impaired as a result of alcohol abuse, drug abuse, or a mental condition in obtaining treatment to permit their continued contribution to the education profession. Any person who holds certification issued by the department pursuant to s. 1012.56 is eligible for the assistance.

(2) STAFF.--

(a) The department shall employ an administrator and staff as are necessary to be assigned exclusively to the recovery network program.

(b) The Commissioner of Education shall establish the criteria for and appoint the staff of the program.

(c) The department may contract with other professionals to implement this section.

(3) PURPOSE.--The recovery network program shall assist educators in obtaining treatment and services from approved treatment providers, but each impaired educator must pay for his or her treatment under terms and conditions agreed upon by the impaired educator and the treatment provider. A person who is admitted to the program must contract with the treatment provider and the program. The treatment contract must prescribe the type of treatment and the responsibilities of the impaired educator and of the provider and must provide that the impaired educator's progress will be monitored by the program.

(4) APPROVAL OF TREATMENT PROVIDERS.--The recovery network program shall locate, evaluate, and approve qualified treatment providers.

(5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION AND DEPARTMENT.--The recovery network program shall operate independently of, but may cooperate with, the Office of Professional Practices Services of the Department of Education and the Education Practices Commission. A person's participation in the program entitles the commissioner to enter into a deferred prosecution agreement pursuant to s. 1012.796, or such participation may be considered a factor in mitigation of or a condition of disciplinary action against the person's certificate by the Education Practices Commission pursuant to s. 1012.795.

(6) PARTICIPATION.--The recovery network program shall operate independently of employee assistance programs operated by local school districts, and the powers and duties of school districts to make employment decisions, including disciplinary decisions, is not affected except as provided in this section:

(a) A person who is not subject to investigation or proceedings under ss. 1012.795 and 1012.796 may voluntarily seek assistance through a local school district employee assistance program for which he or she is eligible and through the recovery network, regardless of action taken against him or her by a school district. Voluntarily seeking assistance alone does not subject a person to proceedings under ss. 1012.795 and 1012.796.

(b) A person who is subject to investigation or proceedings under ss. 1012.795 and 1012.796 may be required to participate in the program. The program may approve a local employee assistance program as a treatment provider or as a means of securing a treatment provider. The program and the local school district shall cooperate so that the person may obtain treatment without limiting the school district's

statutory powers and duties as an employer or the disciplinary procedures under ss. 1012.795 and 1012.796.

(c) A person who has not previously been under investigation by the department may be enrolled in a treatment program by the recovery network after an investigation has commenced, if the person:

1. Acknowledges his or her impairment.

2. Agrees to evaluation, as approved by the recovery network.

3. Agrees to enroll in an appropriate treatment program approved by the recovery network.

4. Executes releases for all medical and treatment records regarding his or her impairment and participation in a treatment program to the recovery network, pursuant to 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder.

5. Enters into a deferred prosecution agreement with the commissioner, which provides that no prosecution shall be instituted concerning the matters enumerated in the agreement if the person is properly enrolled in the treatment program and successfully completes the program as certified by the recovery network. The commissioner is under no obligation to enter into a deferred prosecution agreement with the educator but may do so if he or she determines that it is in the best interest of the educational program of the state.

6. Has not previously entered a substance abuse program.

7. Is not being investigated for any action involving commission of a felony or violent act against another person.

8. Has not had multiple arrests for minor drug use, possession, or abuse of alcohol.

(7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS DETERMINED.--If a complaint is made to the department against a teacher or an administrator pursuant to s. 1012.796 and a finding of no probable cause indicates that no concern other than impairment exists, the department shall inform the person of the availability of assistance provided by the recovery network program.

(8) ADMISSION.--A person who is referred or who requests admission to the recovery network program shall be temporarily admitted pending a finding that he or she has:

(a) Acknowledged his or her impairment problem.

(b) Agreed to evaluation as approved by the recovery network program.

(c) Voluntarily enrolled in an appropriate treatment program approved by the recovery network program.

(d) Voluntarily sought agreement from the school district for temporary leave or limitations on the scope of employment if the temporary leave or limitations are included in the treatment provider's recommendations; or voluntarily agreed to pursue the alternative treatment recommended by the treatment provider if the school district does not approve such temporary leave or limitations on the scope of employment.

(e) Executed releases to the recovery network program for all medical and treatment records regarding his or her impairment and participation in a treatment program pursuant to 42 U.S.C. s. 290dd-3 and the federal regulations adopted thereunder.

(9) DISCLOSURE OF MEDICAL RECORDS.--An approved treatment provider must disclose to the recovery network program all information in its possession which relates to a

1 person's impairment and participation in the treatment
2 program. Information obtained under this subsection is
3 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
4 of the State Constitution. This exemption is necessary to
5 promote the rehabilitation of impaired educators and to
6 protect the privacy of treatment program participants. The
7 failure to provide such information to the program is grounds
8 for withdrawal of approval of a treatment provider. Medical
9 records provided to the program may not be disclosed to any
10 other person, except as authorized by law.
11 (10) DECLARATION OF INELIGIBILITY.--
12 (a) A person may be declared ineligible for further
13 assistance from the recovery network program if he or she does
14 not progress satisfactorily in a treatment program or leaves a
15 prescribed program or course of treatment without the approval
16 of the treatment provider.
17 (b) The determination of ineligibility must be made by
18 the commissioner in cases referred to him or her by the
19 program administrator. Before referring a case to the
20 commissioner, the administrator must discuss the circumstances
21 with the treatment provider. The commissioner may direct the
22 Office of Professional Practices Services to investigate the
23 case and provide a report.
24 (c) If a treatment contract with the program is a
25 condition of a deferred prosecution agreement, and the
26 commissioner determines that the person is ineligible for
27 further assistance, the commissioner may agree to modify the
28 terms and conditions of the deferred prosecution agreement or
29 may issue an administrative complaint, pursuant to s.
30 1012.796, alleging the charges regarding which prosecution was
31 deferred. The person may dispute the determination as an

affirmative defense to the administrative complaint by including with his or her request for hearing on the administrative complaint a written statement setting forth the facts and circumstances that show that the determination of ineligibility was erroneous. If administrative proceedings regarding the administrative complaint, pursuant to ss. 120.569 and 120.57, result in a finding that the determination of ineligibility was erroneous, the person is eligible to participate in the program. If the determination of ineligibility was the only reason for setting aside the deferred prosecution agreement and issuing the administrative complaint and the administrative proceedings result in a finding that the determination was erroneous, the complaint shall be dismissed and the deferred prosecution agreement reinstated without prejudice to the commissioner's right to reissue the administrative complaint for other breaches of the agreement.

(d) If a treatment contract with the program is a condition of a final order of the Education Practices Commission, the commissioner's determination of ineligibility constitutes a finding of probable cause that the person failed to comply with the final order. The commissioner shall issue an administrative complaint, and the case shall proceed under ss. 1012.795 and 1012.796, in the same manner as cases based on a failure to comply with an order of the Education Practices Commission.

(e) If the person voluntarily entered into a treatment contract with the program, the commissioner shall issue a written notice stating the reasons for the determination of ineligibility. Within 20 days after the date of such notice, the person may contest the determination of ineligibility

1 pursuant to ss. 120.569 and 120.57.
2 (11) MEDICAL RECORDS RELEASE.--Medical records
3 released pursuant to paragraph (8)(e) may be disclosed to the
4 commissioner, the Office of Professional Practices Services,
5 and the Education Practices Commission only as required for
6 purposes of this section, or as otherwise authorized by law.
7 Further disclosure or release of the medical records may not
8 be made except as authorized by law and in accordance with 42
9 U.S.C. s. 290dd-2 and the federal regulations adopted
10 thereunder. The medical records are confidential and exempt
11 from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.
13 (12) FEES.--The State Board of Education shall include
14 in the fees established pursuant to s. 1012.59 an amount
15 sufficient to implement the provisions of this section. The
16 State Board of Education shall by rule establish procedures
17 and additional standards for:
18 (a) Approving treatment providers, including
19 appropriate qualifications and experience, amount of
20 reasonable fees and charges, and quality and effectiveness of
21 treatment programs provided.
22 (b) Admitting eligible persons to the program.
23 (c) Evaluating impaired persons by the recovery
24 network program.
25 Section 761. Section 1012.799, Florida Statutes, is
26 created to read:
27 1012.799 Reporting certain offenses.--Instructional
28 personnel or administrative personnel having knowledge that a
29 sexual battery has been committed by a student upon another
30 student must report the offense to a law enforcement agency
31 having jurisdiction over the school plant or over the place

where the sexual battery occurred if not on the grounds of the school plant.

Section 762. Part IV of chapter 1012, Florida Statutes, shall be entitled "Public Postsecondary Educational Institutions; Personnel" and shall consist of ss. 1012.80-1012.97.

Section 763. Part IV.a. of chapter 1012, Florida Statutes, shall be entitled "General Provisions" and shall consist of ss. 1012.80-1012.801.

Section 764. Section 1012.80, Florida Statutes, is created to read:

1012.80 Participation by employees in disruptive activities at public postsecondary educational institutions; penalties.--

(1) Any person who accepts the privilege extended by the laws of this state of employment at any public postsecondary educational institution shall, by so working at such institution, be deemed to have given his or her consent to the policies of that institution, the State Board of Education, and the laws of this state. Such policies shall include prohibition against disruptive activities at public postsecondary educational institutions.

(2) After it has been determined that an employee of a public postsecondary educational institution has participated in disruptive activities, the institution may terminate the contract of the employee, and thereafter such person shall not be employed by any state public school or public postsecondary educational institution.

Section 765. Effective upon this act becoming a law, section 1012.801, Florida Statutes, is created to read:

1012.801 Employees of the Division of Colleges and

Universities.--Employees of the Division of Colleges and Universities of the Department of Education who are participating in the State University Optional Retirement Program prior to June 30, 2002, shall be eligible to continue such participation as long as they remain employees of the Department of Education or a state university without a break in continuous service.

Section 766. Part IV.b. of chapter 1012, Florida Statutes, shall be entitled "Community Colleges; Personnel" and shall consist of ss. 1012.81-1012.88.

Section 767. Section 1012.81, Florida Statutes, is created to read:

1012.81 Personnel records.--Rules of the State Board of Education shall prescribe the content and custody of limited-access records which a community college may maintain on its employees. Such records shall be limited to information reflecting evaluations of employee performance and shall be open to inspection only by the employee and by officials of the college who are responsible for supervision of the employee. Such limited-access employee records are confidential and exempt from the provisions of s. 119.07(1). Except as required for use by the president in the discharge of his or her official responsibilities, the custodian of limited-access employee records may release information from such records only upon authorization in writing from the employee or the president or upon order of a court of competent jurisdiction.

Section 768. Section 1012.82, Florida Statutes, is created to read:

1012.82 Teaching faculty; minimum teaching hours per week.--Each full-time member of the teaching faculty at any

community college who is paid wholly from funds appropriated from the community college program fund shall teach a minimum of 15 classroom contact hours per week at such institution. However, the required classroom contact hours per week may be reduced upon approval of the president of the institution in direct proportion to specific duties and responsibilities assigned the faculty member by his or her departmental chair or other appropriate college administrator. Such specific duties may include specific research duties, specific duties associated with developing television, video tape, or other specifically assigned innovative teaching techniques or devices, or assigned responsibility for off-campus student internship or work-study programs. A "classroom contact hour" consists of a regularly scheduled classroom activity of not less than 50 minutes in a course of instruction which has been approved by the community college board of trustees. Any full-time faculty member who is paid partly from community college program funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours per week in such proportion to 15 classroom contact hours as his or her salary paid from community college program funds bears to his or her total salary.

Section 769. Section 1012.83, Florida Statutes, is created to read:

1012.83 Contracts with administrative and instructional staff.--Each person employed in an administrative or instructional capacity in a community college shall be entitled to a contract as provided by rules of the State Board of Education.

Section 770. Section 1012.84, Florida Statutes, is created to read:

1 1012.84 Exemption from county civil service
2 commissions.--
3 (1) Any community college located in a county which
4 has either a budget commission or a civil service commission
5 is exempt from the regulation, supervision, and control of any
6 such commission.
7 (2) Any general or special law conflicting with this
8 section is repealed to the extent that said law conflicts with
9 this section.
10 Section 771. Section 1012.85, Florida Statutes, is
11 created to read:
12 1012.85 Payment of costs of civil actions against
13 officers, employees, or agents of community college board of
14 trustees.--
15 (1) Whenever any civil action has been brought against
16 any officer of the community college board of trustees,
17 including a board member, or any person employed by or agent
18 of the community college board of trustees, of any community
19 college for any act or omission arising out of and in the
20 course of the performance of his or her duties and
21 responsibilities, the community college board of trustees may
22 defray all costs of defending such action, including
23 reasonable attorney's fees and expenses together with costs of
24 appeal, if any, and may save harmless and protect such person
25 from any financial loss resulting therefrom; and the community
26 college board of trustees may be self-insured, to enter into
27 risk management programs, or to purchase insurance for
28 whatever coverage it may choose, or to have any combination
29 thereof, to cover all such losses and expenses. However, any
30 attorney's fees paid from public funds for any officer,
31 employee, or agent who is found to be personally liable by

virtue of acting outside the scope of his or her employment or acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property may be recovered by the state, county, municipality, or political subdivision in a civil action against such officer, employee, or agent.

(2) Failure by a community college board of trustees to perform any act authorized by this section shall not constitute a cause of action against a community college or its trustees, officers, employees, or agents.

Section 772. Section 1012.855, Florida Statutes, is created to read:

1012.855 Employment of community college personnel; discrimination in granting salary prohibited.--

(1)(a) Employment of all personnel in each community college shall be upon recommendation of the president, subject to rejection for cause by the community college board of trustees; to the rules of the State Board of Education relative to certification, tenure, leaves of absence of all types, including sabbaticals, remuneration, and such other conditions of employment as the State Board of Education deems necessary and proper; and to policies of the community college board of trustees not inconsistent with law.

(b) Any internal auditor employed by a community college shall be hired by the community college board of trustees and shall report directly to the board.

(2) Each community college board of trustees shall undertake a program to eradicate any discrimination on the basis of gender, race, or physical handicap in the granting of salaries to employees.

Section 773. Section 1012.86, Florida Statutes, is

Amendment No. ___ (for drafter's use only)

created to read:

1012.86 Community college employment equity accountability program.--

(1) Each community college shall include in its annual equity update a plan for increasing the representation of women and minorities in senior-level administrative positions and in full-time faculty positions, and for increasing the representation of women and minorities who have attained continuing-contract status. Positions shall be defined in the personnel data element directory of the Department of Education. The plan must include specific measurable goals and objectives, specific strategies and timelines for accomplishing these goals and objectives, and comparable national standards as provided by the Department of Education. The goals and objectives shall be based on meeting or exceeding comparable national standards and shall be reviewed and recommended by the State Board of Education as appropriate. Such plans shall be maintained until appropriate representation has been achieved and maintained for at least 3 consecutive reporting years.

(2)(a) On or before May 1 of each year, each community college president shall submit an annual employment accountability plan to the Commissioner of Education and the State Board of Education. The accountability plan must show faculty and administrator employment data according to requirements specified on the federal Equal Employment Opportunity (EE0-6) report.

(b) The plan must show the following information for those positions including, but not limited to:

1. Job classification title.

2. Gender.

3. Ethnicity.

4. Appointment status.

5. Salary information. At each community college, salary information shall also include the salary ranges in which new hires were employed compared to the salary ranges for employees with comparable experience and qualifications.

6. Other comparative information including, but not limited to, composite information regarding the total number of positions within the particular job title classification for the community college by race, gender, and salary range compared to the number of new hires.

7. A statement certifying diversity and balance in the gender and ethnic composition of the selection committee for each vacancy, including a brief description of guidelines used for ensuring balanced and diverse membership on selection and review committees.

(c) The annual employment accountability plan shall also include an analysis and an assessment of the community college's attainment of annual goals and of long-range goals for increasing the number of women and minorities in faculty and senior-level administrative positions, and a corrective action plan for addressing underrepresentation.

(d) Each community college's employment accountability plan must also include:

1. The requirements for receiving a continuing contract.

2. A brief description of the process used to grant continuing-contract status.

3. A brief description of the process used to annually apprise each eligible faculty member of progress toward attainment of continuing-contract status.

(3) Community college presidents and the heads of each major administrative division shall be evaluated annually on the progress made toward meeting the goals and objectives of the community college's employment accountability plan.

(a) The community college presidents, or the presidents' designees, shall annually evaluate each department chairperson, dean, provost, and vice president in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported annually by the community college president to the community college board of trustees. Annual budget allocations by the community college board of trustees for positions and funding must take into consideration these evaluations.

(b) Community college boards of trustees shall annually evaluate the performance of the community college presidents in achieving the annual and long-term goals and objectives. A summary of the results of such evaluations shall be reported to the Commissioner of Education and the State Board of Education as part of the community college's annual employment accountability plan, and to the Legislature as part of the annual equity progress report submitted by the State Board of Education.

(4) The State Board of Education shall submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before January 1 of each year.

(5) Each community college shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a

timely manner. After prior review and approval by the community college president and the community college board of trustees, the plan shall be submitted as part of the annual employment accountability plan submitted by each community college to the State Board of Education.

(6) Subject to available funding, the Legislature shall provide an annual appropriation to the State Board of Education to be allocated to community college presidents, faculty, and administrative personnel to further enhance equity initiatives and related priorities that support the mission of colleges and departments in recognition of the attainment of the equity goals and objectives.

Section 774. Section 1012.865, Florida Statutes, is created to read:

1012.865 Sick leave.--Each community college board of trustees shall adopt rules whereby any full-time employee who is unable to perform his or her duties at the community college on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of the employee's father, mother, brother, sister, husband, wife, child, or other close relative or member of the employee's own household, and who consequently has to be absent from work shall be granted leave of absence for sickness by the president or by the president's designated representative. The following provisions shall govern sick leave:

(1) DEFINITIONS.--As used in this section, unless the context otherwise requires, the term:

(a) "Educational support employee" means any person employed by a community college as an education or administrative paraprofessional; a member of the operations,

maintenance, or comparable department; or a secretary, clerical, or comparable level support employee.

(b) "Instructional staff" shall be used synonymously with the word "teacher" or "faculty" and includes faculty members, librarians, counselors, and other comparable members engaged in an instructional capacity in the community college.

(2) EXTENT OF LEAVE WITH COMPENSATION.--

(a) Each full-time employee shall earn 1 day of sick leave with compensation for each calendar month or major fraction of a calendar month of service, not to exceed 12 days for each fiscal year. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. Accumulated sick leave may be transferred from another Florida community college, the Florida Department of Education, a state university, a Florida district school board, or a state agency, provided that at least one-half of the sick leave accumulated at any time must have been established in the college in which such employee is currently employed.

(b) A community college board of trustees may establish rules and prescribe procedures whereby a full-time employee may, at the beginning date of employment in any year, be credited with 12 days of sick leave with compensation in excess of the number of days the employee has earned. Upon termination of employment, the employee's final compensation shall be adjusted in an amount necessary to ensure that sick leave with compensation does not exceed the days of earned sick leave as provided herein.

(c) A community college board of trustees may establish rules and prescribe standards to permit a full-time employee to be absent no more than 4 days for personal

reasons. However, such absences for personal reasons shall be charged only to accrued sick leave, and leave for personal reasons shall be noncumulative.

(d) A community college board of trustees may establish rules to provide terminal pay for accumulated sick leave to full-time instructional staff and educational support employees or to the employee's beneficiary if service is terminated by death. However, such terminal pay may not exceed an amount determined as follows:

1. During the first 3 years of service, the daily rate of pay multiplied by 35 percent times the number of days of accumulated sick leave.

2. During the next 3 years of service, the daily rate of pay multiplied by 40 percent times the number of days of accumulated sick leave.

3. During the next 3 years of service, the daily rate of pay multiplied by 45 percent times the number of days of accumulated sick leave.

4. During the 10th year of service, the daily rate of pay multiplied by 50 percent times the number of days of accumulated sick leave.

5. During the next 20 years of service, the daily rate of pay multiplied by 50 percent plus up to an additional 2.5 percent per year for each year of service beyond 10 years, times the number of days of accumulated sick leave.

If an employee receives terminal pay benefits based on unused sick leave credit, all unused sick leave credit shall become invalid; however, if an employee terminates his or her employment without receiving terminal pay benefits and is reemployed, his or her sick leave credit shall be reinstated.

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(e) A community college board of trustees may, by rule, provide for terminal pay for accumulated unused sick leave to be paid to any full-time employee of a community college other than instructional staff or educational support employees. If termination of employment is by death of the employee, any terminal pay to which the employee may have been entitled shall be made to the employee's beneficiary.

1. For unused sick leave accumulated before July 1, 2001, terminal pay shall be made pursuant to rules or policies of the board of trustees which were in effect on June 30, 2001.

2. For unused sick leave accumulated on or after July 1, 2001, terminal payment may not exceed an amount equal to one-fourth of the employee's unused sick leave or 60 days of the employee's pay, whichever amount is less.

3. If the employee had an accumulated sick leave balance of 60 days or more on June 30, 2001, sick leave earned after that date may not be accumulated for terminal pay purposes until the accumulated leave balance as of June 30, 2001, is less than 60 days.

(3) CLAIM MUST BE FILED.--Any full-time employee who finds it necessary to be absent from his or her duties because of illness as defined in this section shall notify the community college president or a college official designated by the president, if possible before the opening of college on the day on which the employee must be absent or during the day, except when he or she is absent for emergency reasons recognized by the community college board of trustees as valid. Any employee shall, before claiming and receiving compensation for the time absent from his or her duties while absent because of sick leave as prescribed in this section,

make and file a written certificate which shall set forth the day or days absent, that such absence was necessary, and that he or she is entitled or not entitled to receive pay for such absence in accordance with the provisions of this section. The community college board of trustees may adopt rules under which the president may require a certificate of illness from a licensed physician or from the county health officer.

(4) COMPENSATION.--Any full-time employee who has unused sick leave credit shall receive full-time compensation for the time justifiably absent on sick leave; however, no compensation may be allowed beyond that provided in subsection (6).

(5) EXPENDITURE AUTHORIZED.--Community college boards of trustees may expend public funds for payment to employees on account of sickness. The expending and excluding of such funds shall be in compliance with rules adopted by the Department of Management Services pursuant to chapter 650.

(6) SICK LEAVE POOL.--Notwithstanding any other provision of this section, a community college board of trustees may, by rule, based upon the maintenance of reliable and accurate records by the community college showing the amount of sick leave which has been accumulated and is unused by employees in accordance with this section, establish a plan allowing participating full-time employees of the community college to pool sick leave accrued and allowing any sick leave thus pooled to be disbursed to any participating employee who is in need of sick leave in excess of that amount he or she has personally accrued. Such rules shall include, but not be limited to, the following provisions:

(a) Participation in the sick leave pool shall at all times be voluntary on the part of employees.

(b) Any full-time employee shall be eligible for participation in the sick leave pool after 1 year of employment with the community college, provided such employee has accrued a minimum amount of unused sick leave, which minimum shall be established by rule.

(c) Any sick leave pooled pursuant to this section shall be removed from the personally accumulated sick leave balance of the employee donating such leave.

(d) Participating employees shall make equal contributions to the sick leave pool. There shall be established a maximum amount of sick leave which may be contributed to the pool by an employee. After the initial contribution which an employee makes upon electing to participate, no further contributions shall be required except as may be necessary to replenish the pool. Any such further contribution shall be equally required of all employees participating in the pool.

(e) Any sick leave time drawn from the pool by a participating employee must be used for that employee's personal illness, accident, or injury.

(f) A participating employee will not be eligible to use sick leave from the pool until all of his or her sick leave has been depleted. There shall be established a maximum number of days for which an employee may draw sick leave from the sick leave pool.

(g) A participating employee who uses sick leave from the pool will not be required to recontribute such sick leave to the pool, except as otherwise provided herein.

(h) A participating employee who chooses to no longer participate in the sick leave pool will not be eligible to withdraw any sick leave already contributed to the pool.

1 (i) Alleged abuse of the use of the sick leave pool
2 shall be investigated, and, on a finding of wrongdoing, the
3 employee shall repay all of the sick leave credits drawn from
4 the sick leave pool and shall be subject to such other
5 disciplinary action as is determined by the board to be
6 appropriate. Rules adopted for the administration of this
7 program shall provide for the investigation of the use of sick
8 leave utilized by the participating employee in the sick leave
9 pool.
10 Section 775. Section 1012.87, Florida Statutes, is
11 created to read:
12 1012.87 Retirement annuities.--Each community college
13 board of trustees may purchase annuities for its community
14 college personnel who have 25 or more years of creditable
15 service and who have reached age 55 and have applied for
16 retirement under the Florida Retirement System. No such
17 annuity may provide for more than the total difference in
18 retirement income between the retirement benefit based on
19 average monthly compensation and creditable service as of the
20 member's early retirement date and the early retirement
21 benefit. Community college boards of trustees may also
22 purchase annuities for members of the Florida Retirement
23 System who have out-of-state teaching service in another state
24 or country which is documented as valid by the appropriate
25 educational entity. Such annuities may be based on no more
26 than 5 years of out-of-state teaching service and may equal,
27 but not exceed, the benefits that would be payable under the
28 Florida Retirement System if credit for out-of-state teaching
29 was authorized under that system. Each community college board
30 of trustees may invest funds, purchase annuities, or provide
31 local supplemental retirement programs for purposes of

providing retirement annuities for community college personnel. All such retirement annuities shall comply with s. 14, Art. X of the State Constitution.

Section 776. Section 1012.875, Florida Statutes, is created to read:

1012.875 Community College Optional Retirement Program.--Each community college may implement an optional retirement program, if such program is established therefor pursuant to s. 1001.64(20), under which annuity contracts providing retirement and death benefits may be purchased by, and on behalf of, eligible employees who participate in the program. Except as otherwise provided herein, this retirement program, which shall be known as the State Community College System Optional Retirement Program, may be implemented and administered only by an individual community college or by a consortium of community colleges.

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

(a) "Activation" means the date upon which an optional retirement program is first made available by the program administrator to eligible employees.

(b) "College" means community colleges as defined in s. 1000.21.

(c) "Department" means the Department of Management Services.

(d) "Program administrator" means the individual college or consortium of colleges responsible for implementing and administering an optional retirement program.

(e) "Program participant" means an eligible employee who has elected to participate in an available optional retirement program as authorized by this section.

(2) Participation in the optional retirement program

provided by this section is limited to employees who satisfy the criteria set forth in s. 121.051(2)(c).

(3)(a) With respect to any employee who is eligible to participate in the optional retirement program by reason of qualifying employment commencing before the program's activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the Florida Retirement System. To become a program participant, the employee must file with the personnel officer of the college, within 60 days after the program's activation, both a written election on a form provided by the department and a completed application for an individual contract or certificate.

2. An employee's participation in the optional retirement program commences on the first day of the next full calendar month following the filing of the election and completed application with the program administrator and receipt of such election by the department. An employee's membership in the Florida Retirement System terminates on this same date.

3. Any such employee who fails to make an election to participate in the optional retirement program within 60 days after its activation has elected to retain membership in the Florida Retirement System.

(b) With respect to any employee who becomes eligible to participate in an optional retirement program by reason of qualifying employment commencing on or after the program's activation:

1. The employee may elect to participate in the optional retirement program in lieu of participation in the

1 Florida Retirement System. To become a program participant,
2 the employee must file with the personnel officer of the
3 college, within 60 days after commencing qualifying
4 employment, both a written election on a form provided by the
5 department and a completed application for an individual
6 contract or certificate.
7 2. An employee's participation in the optional
8 retirement program commences on the first day of the next full
9 calendar month following the filing of the election and
10 completed application with the program administrator and
11 receipt of such election by the department. An employee's
12 membership in the Florida Retirement System terminates on this
13 same date.
14 3. If the employee makes an election to participate in
15 the optional retirement program before the community college
16 submits its initial payroll for the employee, participation in
17 the optional retirement program commences on the first date of
18 employment.
19 4. Any such employee who fails to make an election to
20 participate in the optional retirement program within 60 days
21 after commencing qualifying employment has elected to retain
22 membership in the Florida Retirement System.
23 (c) Any employee who, on or after an optional
24 retirement program's activation, becomes eligible to
25 participate in the program by reason of a change in status due
26 to the subsequent designation of the employee's position as
27 one of those referenced in subsection (2), or due to the
28 employee's appointment, promotion, transfer, or
29 reclassification to a position referenced in subsection (2),
30 must be notified by the community college of the employee's
31 eligibility to participate in the optional retirement program

in lieu of participation in the Florida Retirement System. These eligible employees are subject to the provisions of paragraph (b) and may elect to participate in the optional retirement program in the same manner as those employees described in paragraph (b), except that the 60-day election period commences upon the date notice of eligibility is received by the employee.

(d) Program participants must be fully and immediately vested in the optional retirement program.

(e) The election by an eligible employee to participate in the optional retirement program is irrevocable for so long as the employee continues to meet the eligibility requirements set forth in this section and in s. 121.051(2)(c), except as provided in paragraph (i).

(f) If a program participant becomes ineligible to continue participating in the optional retirement program pursuant to the criteria referenced in subsection (2), the employee becomes a member of the Florida Retirement System if eligible. The college must notify the department of an employee's change in eligibility status within 30 days after the event that makes the employee ineligible to continue participation in the optional retirement program.

(g) An eligible employee who is a member of the Florida Retirement System at the time of election to participate in the optional retirement program retains all retirement service credit earned under the Florida Retirement System at the rate earned. Additional service credit in the Florida Retirement System may not be earned while the employee participates in the optional retirement program, nor is the employee eligible for disability retirement under the Florida Retirement System.

(h) A program participant may not simultaneously participate in any other state-administered retirement system, plan, or class.

(i) Except as provided in s. 121.052(6)(d), a program participant who is or who becomes dually employed in two or more positions covered by the Florida Retirement System, one of which is eligible for an optional retirement program pursuant to this section and one of which is not, is subject to the dual employment provisions of chapter 121.

(4)(a) Each college must contribute on behalf of each program participant an amount equal to 10.43 percent of the participant's gross monthly compensation. The college shall deduct an amount approved by the community college to provide for the administration of the optional retirement program. Payment of this contribution must be made either directly by the community college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(b) Each community college must contribute on behalf of each program participant an amount equal to the unfunded actuarial accrued liability portion of the employer contribution which would be required if the program participant were a member of the Regular Class of the Florida Retirement System. Payment of this contribution must be made directly by the college to the department for deposit in the Florida Retirement System Trust Fund.

(c) Each program participant who has executed an annuity contract may contribute by way of salary reduction or deduction a percentage of the program participant's gross compensation, but this percentage may not exceed the corresponding percentage contributed by the community college

to the optional retirement program. Payment of this contribution may be made either directly by the college or through the program administrator to the designated company contracting for payment of benefits to the program participant.

(d) Contributions to an optional retirement program by a college or a program participant are in addition to, and have no effect upon, contributions required now or in future by the federal Social Security Act.

(5)(a) The benefits to be provided to program participants must be provided through individual contracts or group annuity contracts, which may be fixed, variable, or both. Each individual contract or certificate must state the type of annuity contract on its face page, and must include at least a statement of ownership, the contract benefits, annuity income options, limitations, expense charges, and surrender charges, if any.

(b) Benefits are payable under the optional retirement program to program participants or their beneficiaries, and the benefits must be paid only by the designated company in accordance with the terms of the annuity contracts applicable to the program participant, provided that benefits funded by employer contributions are payable only as a lifetime annuity to the program participant, except for:

1. A lump-sum payment to the program participant's beneficiary or estate upon the death of the program participant; or

2. A cash-out of a de minimis account upon the request of a former program participant who has been terminated for a minimum of 6 months from the employment that caused the participant to be eligible for participation. A de minimis

account is an account with a designated company containing employer contributions and accumulated earnings of not more than $3,500. The cash-out must be a complete liquidation of the account balance with that designated company and is subject to the provisions of the Internal Revenue Code.

(c) The benefits payable to any person under the optional retirement program, and any contribution accumulated under the program, are not subject to assignment, execution, attachment, or to any legal process whatsoever.

(6)(a) The optional retirement program authorized by this section must be implemented and administered by the program administrator under s. 403(b) of the Internal Revenue Code. The program administrator has the express authority to contract with a third party to fulfill any of the program administrator's duties.

(b) The program administrator shall solicit competitive bids or issue a request for proposal and select no more than four companies from which annuity contracts may be purchased under the optional retirement program. In making these selections, the program administrator shall consider the following factors:

1. The financial soundness of the company.

2. The extent of the company's experience in providing annuity contracts to fund retirement programs.

3. The nature and extent of the rights and benefits provided to program participants in relation to the premiums paid.

4. The suitability of the rights and benefits provided to the needs of eligible employees and the interests of the college in the recruitment and retention of employees.

In lieu of soliciting competitive bids or issuing a request for proposals, the program administrator may authorize the purchase of annuity contracts under the optional retirement program from those companies currently selected by the department to offer such contracts through the State University System Optional Retirement Program, as set forth in s. 121.35.

(c) Optional retirement program annuity contracts must be approved in form and content by the program administrator in order to qualify. The program administrator may use the same annuity contracts currently used within the State University System Optional Retirement Program, as set forth in s. 121.35.

(d) The provision of each annuity contract applicable to a program participant must be contained in a written program description that includes a report of pertinent financial and actuarial information on the solvency and actuarial soundness of the program and the benefits applicable to the program participant. The company must furnish the description annually to the program administrator, and to each program participant upon commencement of participation in the program and annually thereafter.

(e) The program administrator must ensure that each program participant is provided annually with an accounting of the total contributions and the annual contributions made by and on the behalf of the program participant.

Section 777. Section 1012.88, Florida Statutes, is created to read:

1012.88 Community college police.--

(1) Each community college is permitted and empowered to employ police officers for the community college, who must

be designated community college police.

(2) Each community college police officer is a law enforcement officer of the state and a conservator of the peace who has the authority to arrest, in accordance with the laws of this state, any person for a violation of state law or applicable county or municipal ordinance if that violation occurs on or in any property or facilities of the community college by which he or she is employed or any property or facilities of a direct-support organization of such community college. A community college police officer may also arrest a person off campus for a violation committed on campus after a hot pursuit of that person that began on any such property or facilities. A community college police officer may bear arms in the performance of his or her duties and carry out a search pursuant to a search warrant on the campus where he or she is employed. Community college police, upon request of the sheriff or local police authority, may serve subpoenas or other legal process and may make arrests of persons against whom arrest warrants have been issued or against whom charges have been made for violations of federal or state laws or county or municipal ordinances.

(3) Community college police shall promptly deliver all persons arrested and charged with felonies to the sheriff of the county within which the community college is located and all persons arrested and charged with misdemeanors to the applicable authority as provided by law, but otherwise to the sheriff of the county in which the community college is located.

(4) Community college police must meet the minimum standards established by the Police Standards and Training Commission of the Department of Law Enforcement and chapter

943 for law enforcement officers. Each community college police officer must, before entering into the performance of his or her duties, take the oath of office established by the community college. Each community college that employs police officers may obtain and approve a bond on each police officer, conditioned upon the officer's faithful performance of his or her duties, which bond must be payable to the Governor. The community college may determine the amount of the bond. In determining the amount of the bond, the community college may consider the amount of money or property likely to be in the custody of the officer at any one time. The community college shall provide a uniform set of identifying credentials to each community college police officer it employs.

(5) In performance of any of the powers, duties, and functions authorized by law, community college police have the same rights, protections, and immunities afforded other law enforcement officers.

(6) The community college, with the approval of the Department of Law Enforcement, shall adopt rules, including, without limitation, rules for the appointment, employment, and removal of community college police in accordance with the state Career Service System and shall establish in writing a policy manual, that includes, without limitation, procedures for managing routine law enforcement situations and emergency law enforcement situations. The community college shall furnish a copy of the policy manual to each of the police officers it employs.

Section 778. Part IV.c. of chapter 1012, Florida Statutes, shall be entitled "Universities; Personnel" and shall consist of ss. 1012.91-1012.97.

Section 779. Section 1012.91, Florida Statutes, is

created to read:

1012.91 Personnel records.--

(1) Each university board of trustees shall adopt rules prescribing the content and custody of limited-access records that the university may maintain on its employees. Such limited-access records are confidential and exempt from the provisions of s. 119.07(1). Such records are limited to the following:

(a) Records containing information reflecting academic evaluations of employee performance shall be open to inspection only by the employee and by officials of the university responsible for supervision of the employee.

(b) Records maintained for the purposes of any investigation of employee misconduct, including but not limited to a complaint against an employee and all information obtained pursuant to the investigation of such complaint, shall be confidential until the investigation ceases to be active or until the university provides written notice to the employee who is the subject of the complaint that the university has either:

1. Concluded the investigation with a finding not to proceed with disciplinary action;

2. Concluded the investigation with a finding to proceed with disciplinary action; or

3. Issued a letter of discipline.

For the purpose of this paragraph, an investigation shall be considered active as long as it is continuing with a reasonable, good faith anticipation that a finding will be made in the foreseeable future. An investigation shall be presumed to be inactive if no finding is made within 90 days

after the complaint is filed.

(c) Records maintained for the purposes of any disciplinary proceeding brought against an employee shall be confidential until a final decision is made in the proceeding. The record of any disciplinary proceeding, including any evidence presented, shall be open to inspection by the employee at all times.

(d) Records maintained for the purposes of any grievance proceeding brought by an employee for enforcement of a collective bargaining agreement or contract shall be confidential and shall be open to inspection only by the employee and by officials of the university conducting the grievance proceeding until a final decision is made in the proceeding.

(2) Notwithstanding the foregoing, any records or portions thereof which are otherwise confidential by law shall continue to be exempt from the provisions of s. 119.07(1). In addition, for sexual harassment investigations, portions of such records which identify the complainant, a witness, or information which could reasonably lead to the identification of the complainant or a witness are limited-access records.

(3) Except as required for use by the president in the discharge of his or her official responsibilities, the custodian of limited-access records may release information from such records only upon authorization in writing from the employee or upon order of a court of competent jurisdiction.

(4) Notwithstanding the provisions of subsection (1), records comprising the common core items contained in the State University System Student Assessment of Instruction or comparable instrument may not be prescribed as limited-access records.

(5) This section shall apply to records created after July 1, 1995.

Section 780. Section 1012.92, Florida Statutes, is created to read:

1012.92 Personnel codes of conduct; disciplinary measures; rulemaking authority.--

(1) Each university board of trustees may adopt, by rule, codes of conduct and appropriate penalties for violations of rules by employees, to be administered by the university. Such penalties, unless otherwise provided by law, may include: reprimand; restitution; fines; restrictions on the use of or removal from university facilities; educational training or counseling requirements; and the imposition of probation, suspension, dismissal, demotion, or other appropriate disciplinary action.

(2) Sanctions authorized by university codes of conduct may be imposed only for acts or omissions in violation of rules adopted by the university, including rules adopted under this section, rules of the State Board of Education, county and municipal ordinances, and the laws of this state, the United States, or any other state.

(3) The university board of trustees shall adopt rules for the lawful discipline of any employee who intentionally acts to impair, interfere with, or obstruct the orderly conduct, processes, and functions of a state university. Said rules may apply to acts conducted on or off campus when relevant to such orderly conduct, processes, and functions.

Section 781. Section 1012.93, Florida Statutes, is created to read:

1012.93 Faculty members; test of spoken English.--The State Board of Education shall adopt rules requiring that all

faculty members in each state university and New College, other than those persons who teach courses that are conducted primarily in a foreign language, be proficient in the oral use of English, as determined by a satisfactory grade on the "Test of Spoken English" of the Educational Testing Service or a similar test approved by the state board.

Section 782. Section 1012.94, Florida Statutes, is created to read:

1012.94 Evaluations of faculty members; report.--

(1) For the purpose of evaluating faculty members, each university board of trustees shall adopt rules for the assignment of duties and responsibilities to faculty members. These assigned duties or responsibilities shall be conveyed to each faculty member at the beginning of each academic term, in writing, by his or her departmental chair or other appropriate university administrator making the assignment. In evaluating the competencies of a faculty member, primary assessment shall be in terms of his or her performance of the assigned duties and responsibilities, and such evaluation shall be given adequate consideration for the purpose of salary adjustments, promotions, reemployment, and tenure. A faculty member who is assigned full-time teaching duties as provided by law shall be rewarded with salary adjustments, promotions, reemployment, or tenure for meritorious teaching and other scholarly activities related thereto.

(2) The State Board of Education shall establish criteria for evaluating the quantity and quality of service to public schools by university faculty members and shall require consideration of this service in promotion, tenure, and other reward measures. Each university board of trustees shall ensure that the following policies are implemented:

(a) Flexible criteria for rewarding faculty members, consistent with the educational goals and objectives of the university, shall be established, which criteria shall include quality teaching and service to public schools as major factors in determining salary adjustments, promotions, reemployment, or tenure.

(b) Measures shall be taken to increase the recognition, reinforcements, and rewards given quality teaching and service to public schools. Such measures might include grants for professional development, curriculum improvement, and instructional innovation, as well as awards of varying kinds for meritorious teaching.

(c) The means of identifying and evaluating quality teachers and outstanding service to public schools shall be determined in accordance with established guidelines of the university.

(3) The chief academic officer at each state university and New College shall disseminate information to all faculty members which clearly states that service to public schools is one of the criteria used to determine salary adjustments, promotions, reemployment, and tenure for faculty members.

Section 783. Section 1012.945, Florida Statutes, is created to read:

1012.945 Required number of classroom teaching hours for university faculty members.--

(1) As used in this section:

(a) "State funds" means those funds appropriated annually in the General Appropriations Act.

(b) "Classroom contact hour" means a regularly scheduled 1-hour period of classroom activity in a course of

instruction which has been approved by the university.

(2) Each full-time equivalent teaching faculty member at a university who is paid wholly from state funds shall teach a minimum of 12 classroom contact hours per week at such university. However, any faculty member who is assigned by his or her departmental chair or other appropriate university administrator professional responsibilities and duties in furtherance of the mission of the university shall teach a minimum number of classroom contact hours in proportion to 12 classroom hours per week as such especially assigned aforementioned duties and responsibilities bear to 12 classroom contact hours per week. Any full-time faculty member who is paid partly from state funds and partly from other funds or appropriations shall teach a minimum number of classroom contact hours in such proportion to 12 classroom contact hours per week as his or her salary paid from state funds bears to his or her total salary. In determining the appropriate hourly weighting of assigned duties other than classroom contact hours, the universities shall develop and apply a formula designed to equate the time required for nonclassroom duties with classroom contact hours. "Full-time equivalent teaching faculty member" shall be interpreted to mean all faculty personnel budgeted in the instruction and research portion of the budget, exclusive of those full-time equivalent positions assigned to research, public service, administrative duties, and academic advising. Full-time administrators, librarians, and counselors shall be exempt from the provisions of this section; and colleges of medicine and law and others which are required for purposes of accreditation to meet national standards prescribed by the American Medical Association, the American Bar Association, or

other professional associations shall be exempt from the provisions of this section to the extent that the requirements of this section differ from the requirements of accreditation.

Section 784. Section 1012.95, Florida Statutes, is created to read:

1012.95 University employment equity accountability program.--

(1) Each state university and New College shall maintain an annual equity plan for appropriate representation of women and minorities in senior-level administrative positions, within tenure-track faculty, and within faculty-granted tenure. Such plan shall be maintained until appropriate representation has been achieved. As used in this subsection, the term:

(a) "Appropriate representation" means category employment representation that at least meets comparable national standards for at least two consecutive reporting periods.

(b) "Category" means major executive, administrative, and professional grouping, including senior-level administrative and professional positions, senior academic administrative-level positions, and tenure-track faculty.

(2)(a) By April 1 of each year, each state university president shall submit an annual equity report to the Commissioner of Education and the State Board of Education. The equity report shall consist of a status update, an analysis, and a status report of selected personnel transactions. As used in this paragraph, the term, "selected personnel transactions" means new hires in, promotions into, tenure actions in, and terminations from a category. Each university shall provide the following information for the

selected personnel transactions including, but not limited to:

1. Job classification title.

2. Gender.

3. Race.

4. Appointment status.

The status update shall assess underrepresentation in each category. The status report shall consist of current category employment representation, comparable national standards, an evaluation of representation, and annual goals to address underrepresentation.

(b) After 1 year of implementation of a plan, and annually thereafter, for those categories in which prior year goals were not achieved, each university shall provide, in its annual equity report, a narrative explanation and a plan for achievement of equity. The plan shall include guidelines for ensuring balanced membership on selection committees and specific steps for developing a diverse pool of candidates for each vacancy in the category. The plan shall also include a systematic process by which those responsible for hiring are provided information and are evaluated regarding their responsibilities pursuant to this section.

(c) The equity report shall include an analysis and assessment of the university's accomplishment of annual goals, as specified in the university's affirmative action plan, for increasing the representation of women and minorities in tenure-earning and senior-level administrative positions.

(d) The equity report shall also include the current rank, race, and gender of faculty eligible for tenure in a category. In addition, each university shall report representation of the pool of tenure-eligible faculty at each

stage of the transaction process and provide certification that each eligible faculty member was apprised annually of progress toward tenure. Each university shall also report on the dissemination of standards for achieving tenure; racial and gender composition of committees reviewing recommendations at each transaction level; and dissemination of guidelines for equitable distribution of assignments.

(3)(a) A factor in the evaluation of university presidents, vice presidents, deans, and chairpersons shall be their annual progress in achieving the annual and long-range hiring and promotional goals and objectives, as specified in the university's equity plan and affirmative action plan. Annual budget allocations for positions and funding shall be based on this evaluation. A summary of such evaluations shall be submitted to the Commissioner of Education and the State Board of Education as part of the university's annual equity report.

(b) The university boards of trustees shall annually evaluate the performance of the university presidents in achieving the annual equity goals and objectives. A summary of the results of such evaluations shall be included as part of the annual equity progress report submitted by the university boards of trustees to the Legislature and the State Board of Education.

(4) The State Board of Education shall submit an annual equity progress report to the President of the Senate and the Speaker of the House of Representatives on or before August 1 of each year.

(5) Each university shall develop a budgetary incentive plan to support and ensure attainment of the goals developed pursuant to this section. The plan shall specify, at

a minimum, how resources shall be allocated to support the achievement of goals and the implementation of strategies in a timely manner. After prior review and approval by the university president and the university board of trustees, the plan shall be submitted as part of the annual equity report submitted by each university to the State Board of Education.

(6) Relevant components of each university's affirmative action plan may be used to satisfy the requirements of this section.

(7) Subject to available funding, the Legislature shall provide an annual appropriation to be allocated to the universities to further enhance equity initiatives and related priorities that support the mission of departments, divisions, or colleges in recognition of the attainment of equity goals and objectives.

Section 785. Section 1012.96, Florida Statutes, is created to read:

1012.96 IFAS extension personnel; federal health insurance programs notwithstanding the provisions of s. 110.123.--The Institute of Food and Agricultural Sciences at the University of Florida may pay the employer's share of premiums to the Federal Health Benefits Insurance Program from its appropriated budget for any cooperative extension employee of the institute having both state and federal appointments and participating in the Federal Civil Service Retirement System.

Section 786. Section 1012.965, Florida Statutes, is created to read:

1012.965 Payment of costs of civil action against employees.--

(1) An employee or agent under the right of control of

1 a university board of trustees who, pursuant to the university
2 board's policies or rules, renders medical care or treatment
3 at any hospital or health care facility with which the
4 university board maintains an affiliation agreement whereby
5 the hospital or health care facility provides to the
6 university board a clinical setting for health care education,
7 research, and services, shall not be deemed to be an agent of
8 any person other than the university board in any civil action
9 resulting from any act or omission of the employee or agent
10 while rendering said medical care or treatment. For this
11 subsection to apply, the patient shall be provided separate
12 written conspicuous notice by the university board of trustees
13 or by the hospital or health care facility, and shall
14 acknowledge receipt of this notice, in writing, unless
15 impractical by reason of an emergency, either personally or
16 through another person authorized to give consent for him or
17 her, that he or she will receive care provided by university
18 board's employees and liability, if any, that may arise from
19 that care is limited as provided by law. Compliance by a
20 hospital or health care facility with the requirements of
21 chapter 395 or s. 766.110(1) shall not be used as evidence in
22 any civil action to establish an employment or agency
23 relationship between the hospital or health care facility and
24 an employee or agent of the university board of trustees
25 providing services within the hospital or health care
26 facility.
27 (2) All faculty physicians employed by a university
28 board of trustees who are subject to the requirements of s.
29 456.013 shall complete their risk management continuing
30 education on issues specific to academic medicine. Such
31 continuing education shall include instruction for the

supervision of resident physicians as required by the Accreditation Council for Graduate Medical Education. The boards described in s. 456.013 shall adopt rules to implement the provisions of this subsection.

(3) There are appropriated out of any funds available to a university, not subject to the obligation of contract, covenant, or trust, the amounts necessary to carry out the purposes of this section.

(4) Failure of a university board of trustees or an affiliated health care provider to do any act authorized by this section shall not constitute a cause of action against the university board, or an affiliated health care provider, or any of their members, officers, or employees.

Section 787. Section 1012.97, Florida Statutes, is created to read:

1012.97 University police.--

(1) Each university is empowered and directed to provide for police officers for the university, and such police officers shall hereafter be known and designated as the "university police."

(2) The university police are hereby declared to be law enforcement officers of the state and conservators of the peace with the right to arrest, in accordance with the laws of this state, any person for violation of state law or applicable county or city ordinances when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the state university or a direct-support organization of such university, except that arrest may be made off campus when hot pursuit originates on any such property or facilities. Such officers shall have full authority to bear arms in the

performance of their duties and to execute search warrants within their territorial jurisdiction. University police, when requested by the sheriff or local police authority, may serve subpoenas or other legal process and may make arrest of any person against whom a warrant has been issued or any charge has been made of violation of federal or state laws or county or city ordinances.

(3) University police shall promptly deliver all persons arrested and charged with a felony to the sheriff of the county within which the university is located, and all persons arrested and charged with misdemeanors shall be delivered to the applicable authority as may be provided by law, but otherwise to the sheriff of the county in which the university is located.

(4) University police must meet the minimum standards established by the Criminal Justice Standards and Training Commission and chapter 943. Each police officer shall, before entering into the performance of his or her duties, take the oath of office as established by the university; and the university may obtain and approve a bond on each officer, payable to the Governor and his or her successors in office, conditioned on the faithful performance of the duties of such university police officer. The university may determine the amount of the bond. In determining the amount of the bond, the university may consider the amount of money or property likely to be in the custody of the officer at any one time. The university shall provide a uniform set of identification credentials for each university police officer.

(5) In performance of any of the powers, duties, and functions authorized by law or this section, university police shall have the same rights, protections, and immunities

afforded other peace or law enforcement officers.

(6) The university, in concurrence with the Department of Law Enforcement, shall adopt rules, including, but not limited to, the appointment, employment, and removal of university police and, further, establish in writing a policy manual, including, but not limited to, routine and emergency law enforcement situations. A policy manual shall be furnished to each university police officer.

Section 788. Part V of chapter 1012, Florida Statutes, shall be entitled "Professional Development" and shall consist of ss. 1012.98-1012.985.

Section 789. Section 1012.98, Florida Statutes, is created to read:

1012.98 School Community Professional Development Act.--

(1) The Department of Education, public postsecondary educational institutions, 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 meet state and local student achievement standards and the state education goals and to succeed in school improvement as described in s. 1000.03.

(2) The school community includes administrative personnel, managers, instructional personnel, support personnel, members of district school boards, members of school advisory councils, parents, business partners, and personnel that provide health and social services to school children. School districts may identify and include additional members of the school community in the professional development activities required by this section.

(3) The activities designed to implement this section must:

(a) Increase the success of educators in guiding student learning and development so as to implement state and local educational standards, goals, and initiatives.

(b) Assist the school community in providing stimulating educational activities that encourage and motivate students to achieve at the highest levels and to become active learners.

(c) Provide continuous support for all education professionals as well as temporary intervention for education professionals who need improvement in knowledge, skills, and performance.

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

(a) The department shall develop and disseminate to the school community model professional development methods and programs that have demonstrated success in meeting identified student needs. The Commissioner of Education shall use data on student achievement to identify student needs. The methods of dissemination must include a statewide performance support system, a database of exemplary professional development activities, a listing of available professional development resources, training programs, and technical assistance.

(b) Each school district shall develop a professional development system. The system shall be developed in consultation with teachers and representatives of community college and university faculty, community agencies, and other

interested citizen groups to establish policy and procedures to guide the operation of the district professional development program. The professional development system must:

1. Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval.

2. Require the use of student achievement data; school discipline data; school environment surveys; assessments of parental satisfaction; performance appraisal data of teachers, managers, and administrative personnel; and other performance indicators to identify school and student needs that can be met by improved professional performance.

3. Provide inservice activities coupled with followup support that are appropriate to accomplish district-level and school-level improvement goals and standards. The inservice activities for instructional personnel shall primarily focus on subject content and teaching methods, including technology, as related to the Sunshine State Standards, assessment and data analysis, classroom management, and school safety.

4. Include a master plan for inservice activities, pursuant to rules of the State Board of Education, for all district employees from all fund sources. The master plan shall be updated annually by September 1 using criteria for continued approval as specified by rules of the State Board of Education. Written verification that the inservice plan meets all requirements of this section must be submitted annually to the commissioner by October 1.

5. Require each school principal to establish and maintain an individual professional development plan for each instructional employee assigned to the school. The individual

professional development plan must:

a. Be related to specific performance data for the students to whom the teacher is assigned.

b. Define the inservice objectives and specific measurable improvements expected in student performance as a result of the inservice activity.

c. Include an evaluation component that determines the effectiveness of the professional development plan.

6. Include inservice activities for school administrative personnel that address updated skills necessary for effective school management and instructional leadership.

7. Provide for systematic consultation with regional and state personnel designated to provide technical assistance and evaluation of local professional development programs.

8. Provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs.

9. Provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

(c) Each community college and state university shall assist the department, school districts, and schools in the design, delivery, and evaluation of professional development activities. This assistance must include active participation in state and local activities required by the professional development system.

(5)(a) The Department of Education shall provide a system for the recruitment, preparation, and professional

development of school administrative personnel. This system shall:

1. Identify the knowledge, competencies, and skills necessary for effective school management and instructional leadership that align with student performance standards and accountability measures.

2. Include performance evaluation methods.

3. Provide for alternate means for preparation of school administrative personnel which may include programs designed by school districts and postsecondary educational institutions pursuant to guidelines developed by the commissioner. Such preparation programs shall be approved by the Department of Education.

4. Provide for the hiring of qualified out-of-state school administrative personnel.

5. Provide advanced educational opportunities for school-based instructional leaders.

(b) The Commissioner of Education shall appoint a task force that includes a district school superintendent, a district school board member, a principal, an assistant principal, a teacher, a dean of a college of education, and parents. The task force shall convene periodically to provide recommendations to the department in the areas of recruitment, certification, preparation, professional development, and evaluation of school administrators.

(6) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to strengthen the system and make it uniform and coherent. A school district may coordinate its professional development program with that

of another district, with an educational consortium, or with a community college or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

(7) An organization of private schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to rules of the State Board of Education.

(8) The Department of Education shall design methods by which the state and district school boards may evaluate and improve the professional development system. The evaluation must include an annual assessment of data that indicate progress or lack of progress of all students. If the review of the data indicates progress, the department shall identify the best practices that contributed to the progress. If the review of the data indicates a lack of progress, the department shall investigate the causes of the lack of progress, provide technical assistance, and require the school district to employ a different approach to professional development. The department shall report annually to the State Board of Education and the Legislature any school district that, in the

determination of the department, has failed to provide an adequate professional development system. This report must include the results of the department's investigation and of any intervention provided.

(9) The State Board of Education may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section.

(10) This section does not limit or discourage a district school board from contracting with independent entities for professional development services and inservice education if the district school board believes that, through such a contract, a better product can be acquired or its goals for education improvement can be better met.

(11) For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.

Section 790. Section 1012.985, Florida Statutes, is created to read:

1012.985 Statewide system for inservice professional development.--The intent of this section is to establish a statewide system of professional development that provides a wide range of targeted inservice training to teachers, managers, and administrative personnel designed to upgrade skills and knowledge needed to reach world class standards in education. The system shall consist of a network of professional development academies in each region of the state that are operated in partnership with area business partners to develop and deliver high-quality training programs purchased by school districts. The academies shall be

established to meet the human resource development needs of professional educators, schools, and school districts. Funds appropriated for the initiation of professional development academies shall be allocated by the Commissioner of Education, unless otherwise provided in an appropriations act. To be eligible for startup funds, the academy must:

(1) Be established by the collaborative efforts of one or more district school boards, members of the business community, and the postsecondary educational institutions which may award college credits for courses taught at the academy.

(2) Demonstrate the capacity to provide effective training to improve teaching skills in the areas of elementary reading and mathematics, the use of instructional technology, high school algebra, and classroom management, and to deliver such training using face-to-face, distance learning, and individualized computer-based delivery systems.

(3) Propose a plan for responding in an effective and timely manner to the professional development needs of teachers, managers, administrative personnel, schools, and school districts relating to improving student achievement and meeting state and local education goals.

(4) Demonstrate the ability to provide high-quality trainers and training, appropriate followup and coaching for all participants, and support school personnel in positively impacting student performance.

(5) Be operated under contract with its public partners and governed by an independent board of directors, which should include at least one district school superintendent and one district school board chair from the participating school districts, the president of the

collective bargaining unit that represents the majority of the region's teachers, and at least three individuals who are not employees or elected or appointed officials of the participating school districts. Regional educational consortia as defined in s. 1001.451 satisfy the requirements of this subsection.

(6) Be financed during the first year of operation by an equal or greater match from private funding sources and demonstrate the ability to be self-supporting within 1 year after opening through fees for services, grants, or private contributions. Regional educational consortia as defined in s. 1001.451 which serve rural areas of critical economic concern are exempt from the funding match required by this subsection.

(7) Own or lease a facility that can be used to deliver training onsite and through distance learning and other technology-based delivery systems. The participating district school boards may lease a site or facility to the academy for a nominal fee and may pay all or part of the costs of renovating a facility to accommodate the academy. The academy is responsible for all operational, maintenance, and repair costs.

(8) Provide professional development services for the participating school districts as specified in the contract and may provide professional development services to other school districts, private schools, and individuals on a fee-for-services basis.

Section 791. Part VI of chapter 1012, Florida Statutes, shall be entitled "Interstate Compact on Qualifications of Educational Personnel" and shall consist of ss. 1012.99-1012.992.

Section 792. Section 1012.99, Florida Statutes, is

Amendment No. ___ (for drafter's use only)

created to read:

1012.99 Interstate agreement on qualifications of educational personnel.--The interstate agreement on qualifications of educational personnel is hereby enacted into law and entered into with all jurisdictions legally joining therein, in form substantially as follows:

ARTICLE I

PURPOSE, FINDINGS, AND POLICY

1. The states party to this agreement, desiring by common action to improve their respective school systems by utilizing the teacher or other professional educational person wherever educated, declare that it is the policy of each of them, on the basis of cooperation with one another, to take advantage of the preparation and experience of such persons wherever gained, thereby serving the best interests of society, of education, and of the teaching profession. It is the purpose of this agreement to provide for the development and execution of such programs of cooperation as will facilitate the movement of teachers and other professional educational personnel among the states party to it, and to authorize specific interstate educational personnel contracts to achieve that end.

2. The party states find that included in the large movement of population among all sections of the nation are many qualified educational personnel who move for family and other personal reasons but who are hindered in using their professional skill and experience in their new locations. Variations from state to state in requirements for qualifying educational personnel discourage such personnel from taking

the steps necessary to qualify in other states. As a consequence, a significant number of professionally prepared and experienced educators is lost to our school systems. Facilitating the employment of qualified educational personnel, without reference to their states of origin, can increase the available educational resources. Participation in this compact can increase the availability of educational personnel.

ARTICLE II

DEFINITIONS

As used in this agreement and contracts made pursuant to it, unless the context clearly requires otherwise:

1. "Educational personnel" means persons who must meet requirements pursuant to state law as a condition of employment in educational programs.

2. "Designated state official" means the education official of a state selected by that state to negotiate and enter into, on behalf of this state, contracts pursuant to this agreement.

3. "Accept," or any variant thereof, means to recognize and give effect to one or more determinations of another state relating to the qualifications of educational personnel in lieu of making or requiring a like determination that would otherwise be required by or pursuant to the laws of a receiving state.

4. "State" means a state, territory, or possession of the United States; the district of Columbia; or the Commonwealth of Puerto Rico.

5. "Originating state" means a state and the

subdivision thereof, if any, whose determination that certain educational personnel are qualified to be employed for specific duties in schools is acceptable in accordance with the terms of a contract made pursuant to Article III.

6. "Receiving state" means a state and the subdivisions thereof which accept educational personnel in accordance with the terms of a contract made pursuant to Article III.

ARTICLE III

INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS

1. The designated state official of a party state may make one or more contracts on behalf of his or her state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he or she finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his or her own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state

in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates on which originating state approval of the program or programs involved can have occurred. No contract made pursuant to this agreement shall require acceptance by a receiving state or any persons qualified because of successful completion of a program prior to January 1, 1954.

5. The certification or other acceptance of a person who has been accepted pursuant to the terms of a contract shall not be revoked or otherwise impaired because the contract has expired or been terminated. However, any certificate or other qualifying document may be revoked or suspended on any ground which would be sufficient for revocation or suspension of a certificate or other qualifying document initially granted or approved in the receiving state.

6. A contract committee composed of the designated state officials of the contracting states or their representatives shall keep the contract under continuous review, study means of improving its administration, and report no less frequently than once a year to the heads of the appropriate education agencies of the contracting states.

Amendment No. ___ (for drafter's use only)

ARTICLE IV

APPROVED AND ACCEPTED PROGRAMS

1. Nothing in this agreement shall be construed to repeal or otherwise modify any law or regulation of a party state relating to the approval of programs of educational preparation having effect solely on the qualification of educational personnel within that state.

2. To the extent that contracts made pursuant to this agreement deal with the educational requirements for the proper qualification of educational personnel, acceptance of a program of educational preparation shall be in accordance with such procedures and requirements as may be provided in the applicable contract.

ARTICLE V

INTERSTATE COOPERATION

The party states agree that:

1. They will, so far as practicable, prefer the making of multilateral contracts pursuant to Article III of this agreement.

2. They will facilitate and strengthen cooperation in interstate certification and other elements of educational personnel qualification and for this purpose shall cooperate with agencies, organizations, and associations interested in certification and other elements of educational personnel qualification.

ARTICLE VI

Amendment No. ___ (for drafter's use only)

AGREEMENT EVALUATION

The designated state officials of any party states may meet from time to time as a group to evaluate progress under the agreement, and to formulate recommendations for changes.

ARTICLE VII

OTHER ARRANGEMENTS

Nothing in this agreement shall be construed to prevent or inhibit other arrangements or practices of any party state or states to facilitate the interchange of educational personnel.

ARTICLE VIII

EFFECT AND WITHDRAWAL

1. This agreement shall become effective when enacted into law by two states. Thereafter it shall become effective as to any state upon its enactment of this agreement.

2. Any party state may withdraw from this agreement by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states.

3. No withdrawal shall relieve the withdrawing state of any obligation imposed upon it by a contract to which it is a party. The duration of contracts and the methods and conditions of withdrawal therefrom shall be those specified in their terms.

Amendment No. ___ (for drafter's use only)

ARTICLE IX

CONSTRUCTION AND SEVERABILITY

This agreement shall be liberally construed so as to effectuate the purposes thereof. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be contrary to the constitution of any state or of the United States, or the application thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this agreement shall be held contrary to the constitution of any state participating therein, the agreement shall remain in full force and effect as to the state affected as to all severable matters.

Section 793. Section 1012.991, Florida Statutes, is created to read:

1012.991 Commissioner designated official.--For the purposes of the agreement set forth in Article IX, the "designated state official" for this state shall be the Commissioner of Education. The Commissioner of Education shall enter into contracts pursuant to Article III of the agreement only with the approval of the specific texts thereof by the State Board of Education.

Section 794. Section 1012.992, Florida Statutes, is created to read:

1012.992 Copies of contracts with other states; depository.--Two copies of all contracts made on behalf of this state pursuant to the agreement set forth in Article IX shall be kept on file in the office of the Commissioner of

Education and in the office of the Department of State. The Department of Education shall publish all such contracts in convenient form.

Section 795. Chapter 1013, Florida Statutes, shall be entitled "Educational Facilities" and shall consist of ss. 1013.01-1013.82.

Section 796. Part I of chapter 1013, Florida Statutes, shall be entitled "Functions; Department of Education" and shall consist of ss. 1013.01-1013.05.

Section 797. Section 1013.01, Florida Statutes, is created to read:

1013.01 Definitions.--The following terms shall be defined as follows for the purpose of this chapter:

(1) "Ancillary plant" is comprised of the building, site, and site improvements necessary to provide such facilities as vehicle maintenance, warehouses, maintenance, or administrative buildings necessary to provide support services to an educational program.

(2) "Auxiliary facility" means the spaces located at educational plants which are not designed for student occupant stations.

(3) "Board," unless otherwise specified, means a district school board, a community college board of trustees, a university board of trustees, and the Board of Trustees for the Florida School for the Deaf and the Blind. The term "board" does not include the State Board of Education.

(4) "Capital project," for the purpose of s. 9(a)(2), Art. XII of the State Constitution, as amended, means sums of money appropriated from the Public Education Capital Outlay and Debt Service Trust Fund to the state system of public education and other educational agencies as authorized by the

1 Legislature.
2 (5) "Core facilities" means the media center,
3 cafeteria, toilet facilities, and circulation space of an
4 educational plant.
5 (6) "Educational facilities" means the buildings and
6 equipment, structures, and special educational use areas that
7 are built, installed, or established to serve primarily the
8 educational purposes and secondarily the social and
9 recreational purposes of the community and which may lawfully
10 be used as authorized by the Florida Statutes and approved by
11 boards.
12 (7) "Educational plant" comprises the educational
13 facilities, site, and site improvements necessary to
14 accommodate students, faculty, administrators, staff, and the
15 activities of the educational program of each plant.
16 (8) "Educational plant survey" means a systematic
17 study of present educational and ancillary plants and the
18 determination of future needs to provide an appropriate
19 educational program and services for each student based on
20 projected capital outlay FTE's approved by the Department of
21 Education.
22 (9) "Feasibility study" means the examination and
23 analysis of information related to projected educational
24 facilities to determine whether they are reasonable and
25 possible.
26 (10) "Long-range planning" means devising a systematic
27 method based on educational information and needs, carefully
28 analyzed, to provide the facilities to meet the goals and
29 objectives of the educational agency for a period of 5 years.
30 (11) "Low-energy usage features" means engineering
31 features or devices that supplant or minimize the consumption

of fossil fuels by heating equipment and cooling equipment. Such features may include, but are not limited to, high efficiency chillers and boilers, thermal storage tanks, solar energy systems, waste heat recovery systems, and facility load management systems.

(12) "Maintenance and repair" means the upkeep of educational and ancillary plants, including, but not limited to, roof or roofing replacement short of complete replacement of membrane or structure; repainting of interior or exterior surfaces; resurfacing of floors; repair or replacement of glass; repair of hardware, furniture, equipment, electrical fixtures, and plumbing fixtures; and repair or resurfacing of parking lots, roads, and walkways. The term "maintenance and repair" does not include custodial or groundskeeping functions, or renovation except for the replacement of equipment with new equipment of equal systems meeting current code requirements, provided that the replacement item neither places increased demand upon utilities services or structural supports nor adversely affects the function of safety to life systems.

(13) "Need determination" means the identification of types and amounts of educational facilities necessary to accommodate the educational programs, student population, faculty, administrators, staff, and auxiliary and ancillary services of an educational agency.

(14) "New construction" means any construction of a building or unit of a building in which the entire work is new or an entirely new addition connected to an existing building or which adds additional square footage to the space inventory.

(15) "Passive design elements" means architectural

1 features that minimize heat gain, heat loss, and the use of
2 heating and cooling equipment when ambient conditions are
3 extreme and that permit use of the facility without heating or
4 air-conditioning when ambient conditions are moderate. Such
5 features may include, but are not limited to, building
6 orientation, landscaping, earth bermings, insulation, thermal
7 windows and doors, overhangs, skylights, thermal chimneys, and
8 other design arrangements.
9 (16) "Public education capital outlay (PECO) funded
10 projects" means site acquisition, renovation, remodeling,
11 construction projects, and site improvements necessary to
12 accommodate buildings, equipment, other structures, and
13 special educational use areas that are built, installed, or
14 established to serve primarily the educational instructional
15 program of the district school board, community college board
16 of trustees, or university board of trustees.
17 (17) "Remodeling" means the changing of existing
18 facilities by rearrangement of spaces and their use and
19 includes, but is not limited to, the conversion of two
20 classrooms to a science laboratory or the conversion of a
21 closed plan arrangement to an open plan configuration.
22 (18) "Renovation" means the rejuvenating or upgrading
23 of existing facilities by installation or replacement of
24 materials and equipment and includes, but is not limited to,
25 interior or exterior reconditioning of facilities and spaces;
26 air-conditioning, heating, or ventilating equipment; fire
27 alarm systems; emergency lighting; electrical systems; and
28 complete roofing or roof replacement, including replacement of
29 membrane or structure. As used in this subsection, the term
30 "materials" does not include instructional materials.
31 (19) "Satisfactory educational facility" means a

facility that has been recommended for continued use by an educational plant survey or that has been classified as satisfactory in the state inventory of educational facilities.

(20) "Site" means a space of ground occupied or to be occupied by an educational facility or program.

(21) "Site development" means work that must be performed on an unimproved site in order to make it usable for the desired purpose or work incidental to new construction or to make an addition usable.

(22) "Site improvement" means work that must be performed on an existing site to improve its utilization, correct health and safety deficiencies, meet special program needs, or provide additional service areas.

(23) "Site improvement incident to construction" means the work that must be performed on a site as an accompaniment to the construction of an educational facility.

(24) "Satellite facility" means the buildings and equipment, structures, and special educational use areas that are built, installed, or established by private business or industry in accordance with chapter 6A-2, Florida Administrative Code, to be used exclusively for educational purposes to serve primarily the students of its employees and that are staffed professionally by the district school board.

Section 798. Section 1013.02, Florida Statutes, is created to read:

1013.02 Purpose; rules.--

(1) The purpose of this chapter is to authorize state and local officials to cooperate in establishing and maintaining educational plants that will provide for public educational needs throughout the state.

(2) The State Board of Education shall adopt rules

pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

Section 799. Section 1013.03, Florida Statutes, is created to read:

1013.03 Functions of the department.--The functions of the Department of Education as it pertains to educational facilities shall include, but not be limited to, the following:

(1) Establish recommended minimum and maximum square footage standards for different functions and areas and procedures for determining the gross square footage for each educational facility to be funded in whole or in part by the state, including public broadcasting stations but excluding postsecondary special purpose laboratory space. The gross square footage determination standards may be exceeded when the core facility space of an educational facility is constructed or renovated to accommodate the future addition of classrooms to meet projected increases in student enrollment. The department shall encourage multiple use of facilities and spaces in educational plants.

(2) Establish, for the purpose of determining need, equitably uniform utilization standards for all types of like space, regardless of the level of education. These standards shall also establish, for postsecondary education classrooms, a minimum room utilization rate of 40 hours per week and a minimum station utilization rate of 60 percent. These rates shall be subject to increase based on national norms for utilization of postsecondary education classrooms.

(3) Require boards to submit other educational plant inventories data and statistical data or information relevant to construction, capital improvements, and related costs.

(4) Require each board and other appropriate agencies to submit complete and accurate financial data as to the amounts of funds from all sources that are available and spent for construction and capital improvements. The commissioner shall prescribe the format and the date for the submission of this data and any other educational facilities data. If any district does not submit the required educational facilities fiscal data by the prescribed date, the Commissioner of Education shall notify the district school board of this fact and, if appropriate action is not taken to immediately submit the required report, the district school board shall be directed to proceed pursuant to the provisions of s. 1001.42(11)(b). If any community college or university does not submit the required educational facilities fiscal data by the prescribed date, the same policy prescribed in this subsection for school districts shall be implemented.

(5) Administer, under the supervision of the Commissioner of Education, the Public Education Capital Outlay and Debt Service Trust Fund and the School District and Community College District Capital Outlay and Debt Service Trust Fund.

(6) Develop, review, update, revise, and recommend a mandatory portion of the Florida Building Code for educational facilities construction and capital improvement by community college boards and district school boards.

(7) Provide training, technical assistance, and building code interpretation for requirements of the mandatory Florida Building Code for the educational facilities construction and capital improvement programs of the community college boards and district school boards and, upon request, approve phase III construction documents for remodeling,

renovation, or new construction of educational plants or ancillary facilities, except that university boards of trustees shall approve specifications and construction documents for their respective institutions. The Department of Management Services may, upon request, provide similar services for the Florida School for the Deaf and the Blind and shall use the Florida Building Code and the Florida Fire Prevention Code.

(8) Provide minimum criteria, procedures, and training to boards to conduct educational plant surveys and document the determination of future needs.

(9) Make available to boards technical assistance, awareness training, and research and technical publications relating to lifesafety, casualty, sanitation, environmental, maintenance, and custodial issues; and, as needed, technical assistance for survey, planning, design, construction, operation, and evaluation of educational and ancillary facilities and plants, facilities administrative procedures review, and training for new administrators.

(10)(a) Review and validate surveys proposed or amended by the boards and recommend to the Commissioner of Education, for approval, surveys that meet the requirements of this chapter.

1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; compare new school inventory to allocation limits provided by this chapter; review cost projections for conformity with cost

limits set by s. 1013.64(6); compare total capital outlay full-time equivalent enrollment projections in the survey with the department's projections; review facilities lists to verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules; review and confirm the application of uniform facility utilization factors, where provided by this chapter or related rules; utilize the documentation of programs offered per site, as submitted by the board, to analyze facility needs; confirm that need projections for career and technical and adult educational programs comply with needs documented by the Office of Workforce and Economic Development; and confirm the assignment of full-time student stations to all space except auxiliary facilities, which, for purposes of exemption from student station assignment, include the following:

a. Cafeterias.

b. Multipurpose dining areas.

c. Media centers.

d. Auditoriums.

e. Administration.

f. Elementary, middle, and high school resource rooms, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

g. Elementary school skills labs, up to the number of such rooms recommended for the applicable occupant and space design capacity of the educational plant in the State Requirements for Educational Facilities, beyond which student stations must be assigned.

h. Elementary school art and music rooms.

2. The term "validate" as applied to surveys by community colleges and universities means to review and document the approval of each new site and official designation, where applicable; review the inventory database as submitted by each board to the department, including noncareer and technical, and total capital outlay full-time equivalent enrollment projections per site and per college; provide for the review and inspection, where required, of student stations and aggregate square feet of space changed from satisfactory to unsatisfactory; utilize and review the documentation of programs offered per site submitted by the boards as accurate for analysis of space requirements and needs; confirm that needs projected for career and technical and adult educational programs comply with needs documented by the Office of Workforce and Economic Development; compare new facility inventory to allocations limits as provided in this chapter; review cost projections for conformity with state averages or limits designated by this chapter; compare student enrollment projections in the survey to the department's projections; review facilities lists to verify that area allocations and space factors for generating space needs do not exceed the limits as provided by this chapter and related rules; confirm the application of facility utilization factors as provided by this chapter and related rules; and review, as submitted, documentation of how survey recommendations will implement the detail of current campus master plans and integrate with local comprehensive plans and development regulations.

(b) Recommend priority of projects to be funded for approval by the state board, when required by law.

(11) Prepare the commissioner's comprehensive fixed capital outlay legislative budget request and provide annually an estimate of the funds available for developing required 3-year priority lists. This amount shall be based upon the average percentage for the 5 prior years of funds appropriated by the Legislature for fixed capital outlay to each level of public education: public schools, community colleges, and universities.

(12) Perform any other functions that may be involved in educational facilities construction and capital improvement which shall ensure that the intent of the Legislature is implemented.

Section 800. Section 1013.04, Florida Statutes, is created to read:

1013.04 School district facilities work program performance and productivity standards; development; measurement; application.--

(1) The Office of Educational Facilities and SMART Schools Clearinghouse shall develop and adopt measures for evaluating the performance and productivity of school district facilities work programs. The measures may be both quantitative and qualitative and must, to the maximum extent practical, assess those factors that are within the districts' control. The measures must, at a minimum, assess performance in the following areas:

(a) Frugal production of high-quality projects.

(b) Efficient finance and administration.

(c) Optimal school and classroom size and utilization rate.

(d) Safety.

(e) Core facility space needs and cost-effective

capacity improvements that consider demographic projections.

(f) Level of district local effort.

(2) The office shall establish annual performance objectives and standards that can be used to evaluate district performance and productivity.

(3) The office shall conduct ongoing evaluations of district educational facilities program performance and productivity, using the measures adopted under this section. If, using these measures, the office finds that a district failed to perform satisfactorily, the office must recommend to the district school board actions to be taken to improve the district's performance.

Section 801. Section 1013.05, Florida Statutes, is created to read:

1013.05 Office of Educational Facilities and SMART (Soundly Made, Accountable, Reasonable, and Thrifty) Schools Clearinghouse.--

(1) The SMART Schools Clearinghouse is established to assist school districts that seek to access School Infrastructure Thrift (SIT) Program awards pursuant to ss. 1013.42 and 1013.72 or effort index grants pursuant to s. 1013.73. The office must use expedited procedures in providing such assistance.

(2) The office shall prioritize school district SIT Program awards based on a review of the district facilities work programs and proposed construction projects.

Section 802. Part II of chapter 1013, Florida Statutes, shall be entitled "Use and Management of Educational Facilities" and shall consist of ss. 1013.10-1013.28.

Section 803. Section 1013.10, Florida Statutes, is created to read:

1 1013.10 Use of buildings and grounds.--The board may
2 permit the use of educational facilities and grounds for any
3 legal assembly or for community use centers or may permit the
4 same to be used as voting places in any primary, regular, or
5 special election. The board shall adopt rules or policies and
6 procedures necessary to protect educational facilities and
7 grounds when used for such purposes.
8 Section 804. Section 1013.11, Florida Statutes, is
9 created to read:
10 1013.11 Postsecondary institutions assessment of
11 physical plant safety.--The president of each postsecondary
12 institution shall conduct or cause to be conducted an annual
13 assessment of physical plant safety. An annual report shall
14 incorporate the findings obtained through such assessment and
15 recommendations for the improvement of safety on each campus.
16 The annual report shall be submitted to the respective
17 governing or licensing board of jurisdiction no later than
18 January 1 of each year. Each board shall compile the
19 individual institutional reports and convey the aggregate
20 institutional reports to the Commissioner of Education. The
21 Commissioner of Education shall convey these reports and the
22 reports required in s. 1008.48 to the President of the Senate
23 and the Speaker of the House of Representatives no later than
24 March 1 of each year.
25 Section 805. Section 1013.12, Florida Statutes, is
26 created to read:
27 1013.12 Safety and sanitation standards and inspection
28 of property.--The State Board of Education shall adopt and
29 administer rules prescribing standards for the safety and
30 health of occupants of educational and ancillary plants as a
31 part of State Requirements for Educational Facilities or the

Florida Building Code for educational facilities construction as provided in s. 1013.37, the provisions of chapter 633 to the contrary notwithstanding. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with such standards, each board shall prescribe policies and procedures establishing a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Such policies must contain procedures for periodic inspections as prescribed herein and for withdrawal of any educational and ancillary plant, or portion thereof, from use until unsafe or unsanitary conditions are corrected or removed.

(1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL BOARDS.--

(a) Each board shall provide for periodic inspection of each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the State Board of Education.

(b) Firesafety inspections of each educational and ancillary plant must be made annually by persons certified by the Division of State Fire Marshal to be eligible to conduct firesafety inspections in public educational and ancillary plants.

(c) In each firesafety inspection report, the board shall include a plan of action and a schedule for the correction of each deficiency. If immediate life-threatening deficiencies are noted in any inspection, the board shall either take action to promptly correct the deficiencies or withdraw the educational or ancillary plant from use until

such time as the deficiencies are corrected.

(2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC AGENCIES.--

(a) A safety or sanitation inspection of any educational or ancillary plant may be made at any time by the Department of Education or any other state or local agency authorized or required to conduct such inspections by either general or special law. Each agency conducting inspections shall use the standards adopted by the Commissioner of Education in lieu of, and to the exclusion of, any other inspection standards prescribed either by statute or administrative rule, the provisions of chapter 633 to the contrary notwithstanding. The agency shall submit a copy of the inspection report to the board.

(b) In addition to district school board inspections, the applicable local fire control authority shall also annually inspect district school board educational facilities within its fire control district, using the standards adopted by the Commissioner of Education. Reports shall be filed with the district school board, and a copy shall be on file with the local site administrator.

(3) CORRECTIVE ACTION.--Upon failure of the board to take corrective action within a reasonable time, the agency making the inspection may request the commissioner to:

(a) Order that appropriate action be taken to correct all deficiencies in accordance with a schedule determined jointly by the inspecting authority and the board; in developing the schedule, consideration must be given to the seriousness of the deficiencies and the ability of the board to obtain the necessary funds; or

(b) After 30 calendar days' notice to the board, order

all or a portion of the educational or ancillary plant withdrawn from use until the deficiencies are corrected.

(4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION FACILITIES.--Firesafety inspections of community college and university facilities shall comply with State Board of Education rules.

Section 806. Section 1013.13, Florida Statutes, is created to read:

1013.13 Coordination of school safety information; construction design documents.--

(1) Each district school superintendent must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floor plans and other relevant documents for each educational facility in the district, as defined in s. 1013.01. After the initial submission of the floor plans and other relevant documents, the district superintendent of schools shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility in the district that was modified during the preceding year.

(2) Each community college president must provide to the law enforcement agency and fire department that has jurisdiction over the community college a copy of the floor plans and other relevant documents for each educational facility as defined in s. 1013.01. After the initial submission of the floor plans and other relevant documents, the community college president shall submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility that was modified during the preceding year.

Section 807. Section 1013.14, Florida Statutes, is

created to read:

1013.14 Proposed purchase of real property by a board; confidentiality of records; procedure.--

(1)(a) In any case in which a board, pursuant to the provisions of this chapter, seeks to acquire by purchase any real property for educational purposes, every appraisal, offer, or counteroffer must be in writing and is exempt from the provisions of s. 119.07(1) until an option contract is executed or, if no option contract is executed, until 30 days before a contract or agreement for purchase is considered for approval by the board. If a contract or agreement for purchase is not submitted to the board for approval, the exemption from s. 119.07(1) shall expire 30 days after the termination of negotiations. The board shall maintain complete and accurate records of every such appraisal, offer, and counteroffer. For the purposes of this section, the term "option contract" means an agreement by the board to purchase a piece of property, subject to the approval of the board at a public meeting after 30 days' public notice.

(b) Prior to acquisition of the property, the board shall obtain at least one appraisal by an appraiser approved pursuant to s. 253.025(6)(b) for each purchase in an amount greater than $100,000 and not more than $500,000. For each purchase in an amount in excess of $500,000, the board shall obtain at least two appraisals by appraisers approved pursuant to s. 253.025(6)(b). If the agreed to purchase price exceeds the average appraised value, the board is required to approve the purchase by an extraordinary vote.

(2) Nothing in this section shall be interpreted as providing an exemption from, or an exception to, s. 286.011.

Section 808. Section 1013.15, Florida Statutes, is

created to read:

1013.15 Lease, rental, and lease-purchase of educational facilities and sites.--

(1) A board may lease any land, facilities, or educational plants owned by it to any person or entity for such term, for such rent, and upon such terms and conditions as the board determines to be in its best interests; any such lease may provide for the optional or binding purchase of the land, facilities, or educational plants by the lessee upon such terms and conditions as the board determines are in its best interests. A determination that any such land, facility, or educational plant so leased is unnecessary for educational purposes is not a prerequisite to the leasing or lease-purchase of such land, facility, or educational plant. Prior to entering into or executing any such lease, a board shall consider approval of the lease or lease-purchase agreement at a public meeting, at which a copy of the proposed agreement in its final form shall be available for inspection and review by the public, after due notice as required by law.

(2)(a) A district school board may rent or lease educational facilities and sites as defined in s. 1013.01. Educational facilities and sites rented or leased for 1 year or less shall be funded through the operations budget or funds derived from millage proceeds pursuant to s. 1011.71(2). A lease contract for 1 year or less, when extended or renewed beyond a year, becomes a multiple-year lease. Operational funds or funds derived from millage proceeds pursuant to s. 1011.71(2) may be authorized to be expended for multiple-year leases. All leased facilities and sites must be inspected prior to occupancy by the authority having jurisdiction.

1. All newly leased spaces must be inspected and

1 brought into compliance with the Florida Building Code
2 pursuant to chapter 553 and the life safety codes pursuant to
3 chapter 633, prior to occupancy, using the board's operations
4 budget or funds derived from millage proceeds pursuant to s.
5 1011.71(2).
6 2. Plans for renovation or remodeling of leased space
7 shall conform to the Florida Building Code and the Florida
8 Fire Prevention Code for educational occupancies or other
9 occupancies, as appropriate and as required in chapters 553
10 and 633, prior to occupancy.
11 3. All leased facilities must be inspected annually
12 for firesafety deficiencies in accordance with the applicable
13 code and have corrections made in accordance with s. 1013.12.
14 Operational funds or funds derived from millage proceeds
15 pursuant to s. 1011.71(2) may be used to correct deficiencies
16 in leased space.
17 4. When the board declares that a public emergency
18 exists, it may take up to 30 days to bring the leased facility
19 into compliance with the requirements of State Board of
20 Education rules.
21 (b) A board is authorized to lease-purchase
22 educational facilities and sites as defined in s. 1013.01. The
23 lease-purchase of educational facilities and sites shall be as
24 required by s. 1013.37, shall be advertised for and receive
25 competitive proposals and be awarded to the best proposer, and
26 shall be funded using current or other funds specifically
27 authorized by law to be used for such purpose.
28 1. A district school board, by itself, or through a
29 direct-support organization formed pursuant to s. 1013.77 or
30 nonprofit educational organization or a consortium of district
31 school boards, may, in developing a lease-purchase of

educational facilities and sites provide for separately advertising for and receiving competitive bids or proposals on the construction of facilities and the selection of financing to provide the lowest cost funding available, so long as the board determines that such process would best serve the public interest and the pledged revenues are limited to those authorized in s. 1011.71(2)(e).

2. All activities and information, including lists of individual participants, associated with agreements made pursuant to this section shall be subject to the provisions of chapter 119 and s. 286.011.

(c)1. The term of any lease-purchase agreement, including the initial term and any subsequent renewals, shall not exceed the useful life of the educational facilities and sites for which the agreement is made, or 30 years, whichever is less.

2. The initial term or any renewal term of any lease-purchase agreement shall expire on June 30 of each fiscal year, but may be automatically renewed annually, subject to a board making sufficient annual appropriations therefor. Under no circumstances shall the failure of a board to renew a lease-purchase agreement constitute a default or require payment of any penalty or in any way limit the right of a board to purchase or utilize educational facilities and sites similar in function to the educational facilities and sites that are the subject of the said lease-purchase agreement. Educational facilities and sites being acquired pursuant to a lease-purchase agreement shall be exempt from ad valorem taxation.

3. No lease-purchase agreement entered into pursuant to this subsection shall constitute a debt, liability, or

1 obligation of the state or a board or shall be a pledge of the
2 faith and credit of the state or a board.
3 4. Any lease-purchase agreement entered into pursuant
4 to this subsection shall stipulate an annual rate which may
5 consist of a principal component and an interest component,
6 provided that the maximum interest rate of any interest
7 component payable under any such lease-purchase agreement, or
8 any participation or certificated portion thereof, shall be
9 calculated in accordance with and be governed by the
10 provisions of s. 215.84.
11 (3) Lease agreements entered into by university boards
12 of trustees shall comply with the provisions of s. 1013.171.
13 (4)(a) A board may rent or lease existing buildings,
14 or space within existing buildings, originally constructed or
15 used for purposes other than education, for conversion to use
16 as educational facilities. Such buildings rented or leased for
17 1 year or less shall be funded through the operations budget
18 or funds derived from millage pursuant to s. 1011.71(2). A
19 rental agreement or lease contract for 1 year or less, when
20 extended or renewed beyond a year, becomes a multiple-year
21 rental or lease. Operational funds or funds derived from
22 millage proceeds pursuant to s. 1011.71(2) may be authorized
23 to be expended for multiple-year rentals or leases.
24 Notwithstanding any other provisions of this section, if a
25 building was constructed in conformance with all applicable
26 building and life safety codes, it shall be deemed to meet the
27 requirements for use and occupancy as an educational facility
28 subject only to the provisions of this subsection.
29 (b) Prior to occupying a rented or a leased existing
30 building, or space within an existing building, pursuant to
31 this subsection, a school board shall, in a public meeting,

adopt a resolution certifying that the following circumstances apply to the building proposed for occupancy:

1. Growth among the school-age population in the school district has created a need for new educational facilities in a neighborhood where there is little or no vacant land.

2. There exists a supply of vacant space in existing buildings that meet state minimum building and life safety codes.

3. Acquisition and conversion to use as educational facilities of an existing building or buildings is a cost-saving means of providing the needed classroom space as determined by the difference between the cost of new construction, including land acquisition and preparation and, if applicable, demolition of existing structures, and the cost of acquisition through rental or lease and conversion of an existing building or buildings.

4. The building has been examined for suitability, safety, and conformance with state minimum building and life safety codes. The building examination shall consist, at a minimum, of a review of existing documents, building site reconnaissance, and analysis of the building conducted by, or under the responsible charge of, a licensed structural engineer.

5. A certificate of evaluation has been issued by an appropriately licensed design professional which states that, based on available documents, building site reconnaissance, current knowledge, and design judgment in the professional's opinion, the building meets the requirements of state minimum building and life safety codes, provides safe egress of occupants from the building, provides adequate firesafety, and

does not pose a substantial threat to life to persons who would occupy the building for classroom use.

6. The plans for conversion of the building were prepared by an appropriate design professional licensed in this state and the work of conversion was performed by contractors licensed in this state.

7. The conversion of the building was observed by an appropriate design professional licensed in this state.

8. The building has been reviewed, inspected, and granted a certificate of occupancy by the local building department.

9. All ceilings, light fixtures, ducts, and registers within the area to be occupied for classroom purposes were constructed or have been reconstructed to meet state minimum requirements.

Section 809. Section 1013.16, Florida Statutes, is created to read:

1013.16 Construction of facilities on leased property; conditions.--

(1) A board may construct or place educational facilities and ancillary facilities on land that is owned by any person after the board has acquired from the owner of the land a long-term lease for the use of this land for a period of not less than 40 years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

(2) A board may enter into a short-term lease for the use of land owned by any person on which temporary or relocatable facilities are to be utilized.

Section 810. Section 1013.17, Florida Statutes, is created to read:

1013.17 University leasing in affiliated research and

development park.--A university is exempt from the requirements of s. 255.25(3), (4), and (8) when leasing educational facilities in a research and development park with which the university is affiliated and when the State Board of Education certifies in writing that the leasing of said educational facilities is in the best interests of the university and that the exemption from competitive bid requirements would not be detrimental to the state.

Section 811. Section 1013.171, Florida Statutes, is created to read:

1013.171 University lease agreements; land, facilities.--

(1) Each university is authorized to negotiate and enter into agreements to lease land under its jurisdiction to for-profit and nonprofit corporations, registered by the Secretary of State to do business in this state, for the purpose of erecting thereon facilities and accommodations necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the State Board of Education. Such agreement will be for a term not in excess of 99 years or the life expectancy of the permanent facilities constructed thereon, whichever is shorter, and shall include as a part of the consideration provisions for the eventual ownership of the completed facilities by the state. The Board of Trustees of the Internal Improvement Trust Fund upon request of the university shall lease any such property to the university for sublease as heretofore provided.

(2) Each university board of trustees is authorized to enter into agreements with for-profit and nonprofit corporations, registered by the Secretary of State to do

business in this state, whereby income-producing buildings, improvements, and facilities necessary and desirable to serve the needs and purposes of the university, as determined by the systemwide strategic plan adopted by the State Board of Education, are acquired by purchase or lease-purchase by the university. When such agreements provide for lease-purchase of facilities erected on land that is not under the jurisdiction of the university, the agreement shall include as a part of the consideration provisions for the eventual ownership of the land and facility by the state. Agreements for lease-purchase shall not exceed 30 years or the life expectancy of the permanent facility constructed, whichever is shorter. Notwithstanding the provisions of any other law, the university board of trustees may enter into an agreement for the lease-purchase of a facility under this section for a term greater than 1 year. Each university board of trustees is authorized to use any auxiliary trust funds, available and not otherwise obligated, to pay rent to the owner should income from the facilities not be sufficient in any debt payment period. The trust funds used for payment of rent shall be reimbursed as soon as possible to the extent that income from the facilities exceeds the amount necessary for such debt payment.

(3) Each university board of trustees may:

(a) Construct educational facilities on land that is owned by a direct-support organization, as defined in s. 1004.28, or a governmental agency at the federal, state, county, or municipal level, if the university has acquired a long-term lease for the use of the land. The lease must be for at least 40 years or the expected time the facilities to be constructed on the land are expected to remain in a condition

acceptable for use, whichever is longer.

(b) Acquire a short-term lease from one of the entities listed in paragraph (a) for the use of land, if adequate temporary or relocatable facilities are available on the land.

(c) Enter into a short-term lease for the use of land and buildings upon which capital improvements may be made.

If sufficient land is not available from any of the entities listed in paragraph (a), a university may acquire a short-term lease from a private landowner or developer.

(4) Agreements as provided in this section shall be entered into with an offeror resulting from publicly announced competitive bids or proposals, except that the university may enter into an agreement with an entity enumerated in paragraph (3)(a) for leasing land or with a direct-support organization as provided in s. 1004.28, which shall enter into subsequent agreements for financing and constructing the project after receiving competitive bids or proposals. Any facility constructed, lease-purchased, or purchased under such agreements, whether erected on land under the jurisdiction of the university or not, shall conform to the construction standards and codes applicable to university facilities. Each university board of trustees shall adopt such rules as are necessary to carry out its duties and responsibilities imposed by this section.

(5) Agreements executed by the State Board of Education prior to January 1, 1980, for the purposes listed herein shall be validated, and said board's capacity to act in such cases ratified and confirmed.

Section 812. Section 1013.18, Florida Statutes, is

created to read:

1013.18 Radio and television facilities.--

(1) A board may acquire, by purchase, license, permanent easement, or gift, suitable lands and other facilities, either within or without the boundaries of the district, for use in providing educational radio or television transmitting sites and may erect such buildings, antennas, transmission equipment, towers, or other structures as are necessary to accomplish the purposes of this section.

(2) Fixed capital outlay budget requests for public broadcasting stations and instructional television and radio facilities shall be submitted pursuant to s. 1013.60. The commissioner may include any recommendations for these purposes in the legislative budget request for fixed capital outlay.

Section 813. Section 1013.19, Florida Statutes, is created to read:

1013.19 Purchase, conveyance, or encumbrance of property interests above surface of land; joint-occupancy structures.--For the purpose of implementing jointly financed construction project agreements, or for the construction of combined occupancy structures, any board may purchase, own, convey, sell, lease, or encumber airspace or any other interests in property above the surface of the land, provided the lease of airspace for nonpublic use is for such reasonable rent, length of term, and conditions as the board in its discretion may determine. All proceeds from such sale or lease shall be used by the board or boards receiving the proceeds solely for fixed capital outlay purposes. These purposes may include the renovation or remodeling of existing facilities owned by the board or the construction of new facilities;

however, for a community college board or university board, such new facility must be authorized by the Legislature. It is declared that the use of such rental by the board for public purposes in accordance with its statutory authority is a public use. Airspace or any other interest in property held by the Board of Trustees of the Internal Improvement Trust Fund or the State Board of Education may not be divested or conveyed without approval of the respective board. Any building, including any building or facility component that is common to both nonpublic and educational portions thereof, constructed in airspace that is sold or leased for nonpublic use pursuant to this section is subject to all applicable state, county, and municipal regulations pertaining to land use, zoning, construction of buildings, fire protection, health, and safety to the same extent and in the same manner as such regulations would be applicable to the construction of a building for nonpublic use on the appurtenant land beneath the subject airspace. Any educational facility constructed or leased as a part of a joint-occupancy facility is subject to all rules and requirements of the respective boards or departments having jurisdiction over educational facilities.

Section 814. Effective upon this act becoming a law, section 1013.20, Florida Statutes, is created to read:

1013.20 Standards for relocatables used as classroom space; inspections.--

(1) The State Board of Education shall adopt rules establishing standards for relocatables intended for long-term use as classroom space at a public elementary school, middle school, or high school. "Long-term use" means the use of relocatables at the same educational plant for a period of 4 years or more. Each relocatable acquired by a district school

board after the effective date of the rules and intended for long-term use must comply with the standards. District school boards shall submit a plan for the use of existing relocatables within the 5-year work program to be reviewed and approved by the commissioner by January 1, 2003. A progress report shall be provided by the commissioner to the Speaker of the House of Representatives and the President of the Senate each January thereafter. Relocatables that fail to meet the standards after completion of the approved plan may not be used as classrooms. The standards shall protect the health, safety, and welfare of occupants by requiring compliance with the Florida Building Code or the State Requirements for Educational Facilities for existing relocatables, as applicable, to ensure the safety and stability of construction and onsite installation; fire and moisture protection; air quality and ventilation; appropriate wind resistance; and compliance with the requirements of the Americans with Disabilities Act of 1990. If appropriate and where relocatables are not scheduled for replacement, the standards must also require relocatables to provide access to the same technologies available to similar classrooms within the main school facility and, if appropriate, and where relocatables are not scheduled for replacement, to be accessible by adequate covered walkways. A relocatable that is subject to this section and does not meet the standards shall not be reported as providing satisfactory student stations in the Florida Inventory of School Houses.

(2) Annual inspections for all satisfactory relocatables designed for classroom use or being occupied by students are required for: foundations; tie-downs; structural integrity; weatherproofing; HVAC; electrical; plumbing, if

applicable; firesafety; and accessibility. Reports shall be filed with the district school board and posted in each respective relocatable in order to facilitate corrective action.

Section 815. Section 1013.21, Florida Statutes, is created to read:

1013.21 Reduction of relocatable facilities in use.--

(1)(a) It is a goal of the Legislature that all school districts shall provide a quality educational environment for their students such that, by July 1, 2003, student stations in relocatable facilities exceeding 20 years of age and in use by a district during the 1998-1999 fiscal year shall be removed and the number of all other relocatable student stations at over-capacity schools during that fiscal year shall be decreased by half. The Legislature finds, however, that necessary maintenance of existing facilities and public school enrollment growth impair the ability of some districts to achieve the goal of this section within 5 years. Therefore, the Legislature is increasing its commitment to school funding in this act, in part to help districts reduce the number of temporary, relocatable student stations at over-capacity schools. The Legislature intends that local school districts also increase their investment toward meeting this goal. Each district's progress toward meeting this goal shall be measured annually by comparing district facilities work programs for replacing relocatables with the state capital outlay projections for education prepared by the Office of Educational Facilities and SMART Schools Clearinghouse. District facilities work programs shall be monitored by the SMART Schools Clearinghouse to measure the commitment of local school districts toward this goal.

1 (b) For the purposes of this section, an
2 "over-capacity school" means a school the capital outlay FTE
3 enrollment of which exceeds 100 percent of the space and
4 occupant design capacity of its nonrelocatable facilities.
5 However, if a school's initial design incorporated relocatable
6 or modular instructional space, an "over-capacity school"
7 shall mean a school the capital outlay FTE enrollment of which
8 exceeds 100 percent of the space and occupant design capacity
9 of its core facilities.
10 (2) In accordance with the legislative goal described
11 in subsection (1), any relocatables purchased with money
12 appropriated pursuant to chapter 97-384, Laws of Florida,
13 shall be counted at actual student capacity for purposes of s.
14 1013.31 for the life cycle of the relocatable.
15 Section 816. Section 1013.22, Florida Statutes, is
16 created to read:
17 1013.22 Obscenity on educational buildings or
18 vehicles.--Whoever willfully cuts, paints, pastes, marks, or
19 defaces by writing or in any other manner any educational
20 building, furniture, apparatus, appliance, outbuilding,
21 ground, fence, tree, post, vehicle, or other educational
22 property with an obscene word, image, or device commits a
23 misdemeanor of the second degree, punishable as provided in s.
24 775.082 or s. 775.083. This section shall not apply to any
25 student in grades K-12 subject to the discipline of a district
26 school board.
27 Section 817. Section 1013.23, Florida Statutes, is
28 created to read:
29 1013.23 Energy efficiency contracting.--
30 (1) LEGISLATIVE INTENT.--The Legislature finds that
31 investment in energy conservation measures in educational

facilities can reduce the amount of energy consumed and produce immediate and long-term savings. It is the policy of this state to encourage school districts, community colleges, and state universities to invest in energy conservation measures that reduce energy consumption, produce a cost savings, and improve the quality of indoor air in facilities, and, when economically feasible, to build, operate, maintain, or renovate educational facilities in such a manner so as to minimize energy consumption and maximize energy savings. It is further the policy of this state to encourage school districts, community colleges, and state universities to reinvest any energy savings resulting from energy conservation measures into additional energy conservation efforts.

(2) DEFINITIONS.--For purposes of this section, the term:

(a) "Energy conservation measure" means a training program, facility alteration, or equipment to be used in new construction, including an addition to an existing facility, that reduces energy costs, and includes, but is not limited to:

1. Insulation of the facility structure and systems within the facility.

2. Storm windows and doors, caulking or weatherstripping, multiglazed windows and doors, heat-absorbing, or heat-reflective, glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption.

3. Automatic energy control systems.

4. Heating, ventilating, or air-conditioning system modifications or replacements.

5. Replacement or modifications of lighting fixtures to increase the energy efficiency of the lighting system which, at a minimum, shall conform to the Florida Building Code.

6. Energy recovery systems.

7. Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a facility or complex of facilities.

8. Energy conservation measures that provide long-term operating cost reductions and significantly reduce Btu consumed.

9. Renewable energy systems, such as solar, biomass, and wind.

10. Devices which reduce water consumption or sewer charges.

(b) "Energy cost savings" means:

1. A measured reduction in fuel, energy, or operation and maintenance costs created from the implementation of one or more energy conservation measures when compared with an established baseline for previous fuel, energy, or operation and maintenance costs; or

2. For new construction, a projected reduction in fuel, energy, or operation and maintenance costs created from the implementation of one or more energy conservation measures when compared with the projected fuel, energy, or operation and maintenance costs for equipment if the minimum standards of the Florida Building Code for educational facilities construction were implemented and signed and sealed by a registered professional engineer.

(c) "Energy performance-based contract" means a contract for the evaluation, recommendation, and

implementation of energy conservation measures which includes, at a minimum:

1. The design and installation of equipment to implement one or more of such measures, and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings. This amount must meet or exceed total annual contract payments made by the district school board, community college board of trustees, or state university board of trustees for such contract.

3. Financing charges to be incurred by the district school board, community college board of trustees, or state university board of trustees over the life of the contract.

(d) "Energy performance contractor" means a person or business licensed pursuant to chapter 471, chapter 481, or chapter 489 and experienced in the analysis, design, implementation, and installation of energy conservation measures through the implementation of energy performance-based contracts.

(3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

(a) A district school board, community college board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor to significantly reduce energy or operating costs of an educational facility through one or more energy conservation measures.

(b) The energy performance contractor shall be selected in compliance with s. 287.055; except that in a case where a district school board, community college board of trustees, or state university board of trustees determines that fewer than three firms are qualified to perform the

required services, the requirement for agency selection of three firms, as provided in s. 287.055(4)(b), shall not apply and the bid requirements of s. 287.057 shall not apply.

(c) Before entering into a contract pursuant to this section, the district school board, community college board of trustees, or state university board of trustees shall provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(d) Prior to the design and installation of the energy conservation measure, the district school board, community college board of trustees, or state university board of trustees must obtain from the energy performance contractor a report that discloses all costs associated with the energy conservation measure and provides an estimate of the amount of the energy cost savings. The report must be reviewed by either the Department of Education or the Department of Management Services or signed and sealed by a registered professional engineer.

(e) A district school board, community college board of trustees, or state university board of trustees may enter into an energy performance-based contract with an energy performance contractor if, after review of the report required by paragraph (d), it finds that the amount it would spend on the energy conservation measures recommended in the report will not exceed the amount to be saved in energy and operation costs over 20 years from the date of installation, based on life-cycle costing calculations, if the recommendations in the report were followed and if the energy performance contractor provides a written guarantee that the energy or operating cost savings will meet or exceed the costs of the system. The

contract may provide for payments over a period of time not to exceed 20 years.

(f) A district school board, community college board of trustees, or state university board of trustees may enter into an installment payment contract for the purchase and installation of energy conservation measures. The contract shall provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the district school board, community college board of trustees, or state university board of trustees, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term based on life-cycle costing calculations.

(g) Energy performance-based contracts may extend beyond the fiscal year in which they become effective; however, the term of any contract shall expire at the end of each fiscal year and may be automatically renewed annually up to 20 years, subject to a district school board, community college board of trustees, or state university board of trustees making sufficient annual appropriations based upon continued realized energy cost savings. Such contracts shall stipulate that the agreement does not constitute a debt, liability, or obligation of the state or a district school board, community college board of trustees, or state university board of trustees, or a pledge of the faith and credit of the state or a district school board, community college board of trustees, or state university board of trustees.

(4) CONTRACT PROVISIONS.--

(a) An energy performance-based contract shall include a guarantee by the energy performance contractor that annual

energy cost savings will meet or exceed the amortized cost of energy conservation measures.

(b) The contract shall provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time, but not to exceed 20 years from the date of complete installation and acceptance by the district school board, community college board of trustees, or state university board of trustees, and that the annual savings are guaranteed to the extent necessary to make annual payments to satisfy the contract.

(c) The contract must require that the energy performance contractor to whom the contract is awarded provide a 100-percent public construction bond to the district school board, community college board of trustees, or state university board of trustees for its faithful performance, as required by s. 255.05.

(d) The contract shall require the energy performance contractor to provide to the district school board, community college board of trustees, or state university board of trustees an annual reconciliation of the guaranteed energy cost savings. The energy performance contractor shall be liable for any annual savings shortfall which may occur. In the event that such reconciliation reveals an excess in annual energy cost savings, such excess savings shall not be used to cover potential energy cost savings shortages in subsequent contract years.

Section 818. Section 1013.24, Florida Statutes, is created to read:

1013.24 Right of eminent domain.--There is conferred upon the district school boards in the state the authority and right to take private property for any public school purpose

or use when, in the opinion of the school board, such property is needed in the operation of any or all of the public schools within the district, including property needed for any school purpose or use in any school district or districts within the county. The absolute fee simple title to all property so taken and acquired shall vest in the district school board, unless the school board seeks to appropriate a particular right or estate in such property.

Section 819. Section 1013.25, Florida Statutes, is created to read:

1013.25 When university or community college board of trustees may exercise power of eminent domain.--Whenever it becomes necessary for the welfare and convenience of any of its institutions or divisions to acquire private property for the use of such institutions, and this cannot be acquired by agreement satisfactory to a university or community college board of trustees and the parties interested in, or the owners of, the private property, the board of trustees may exercise the power of eminent domain after receiving approval therefor from the State Board of Education and may then proceed to condemn the property in the manner provided by chapter 73 or chapter 74.

Section 820. Section 1013.26, Florida Statutes, is created to read:

1013.26 Department of Legal Affairs to represent university board in condemnation proceedings.--Any suits or actions brought by a university board of trustees to condemn property, as provided in s. 1013.25, shall be brought in the name of the university board of trustees, and the Department of Legal Affairs shall conduct the proceedings for, and act as the counsel of, the university board of trustees.

Section 821. Section 1013.27, Florida Statutes, is created to read:

1013.27 Purchase of land by municipality.--Any municipality wherein a community college as defined by s. 1004.65 is situated may purchase land with municipal funds and to donate and convey the land or any other land to the community college board of trustees.

Section 822. Section 1013.28, Florida Statutes, is created to read:

1013.28 Disposal of property.--

(1) REAL PROPERTY.--Subject to rules of the State Board of Education, a board may dispose of any land or real property that is, by resolution of the board, determined to be unnecessary for educational purposes as recommended in an educational plant survey. A board shall take diligent measures to dispose of educational property only in the best interests of the public. However, appraisals may be obtained by the board prior to or simultaneously with the receipt of bids.

(2) TANGIBLE PERSONAL PROPERTY.--Tangible personal property which has been properly classified as surplus by a district school board or community college board of trustees shall be disposed of in accordance with the procedure established by chapter 274 and by a university board of trustees by chapter 273. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board.

Section 823. Part III of chapter 1013, Florida

Statutes, shall be entitled "Planning and Construction of Educational Facilities" and shall consist of ss. 1013.30-1013.54.

Section 824. Part III.a. of chapter 1013, Florida Statutes, shall be entitled "Campus Master Plans and Educational Plant Surveys" and shall consist of ss. 1013.30-1013.365.

Section 825. Section 1013.30, Florida Statutes, is created to read:

1013.30 University campus master plans and campus development agreements.--

(1) This section contains provisions for campus planning and concurrency management that supersede the requirements of part II of chapter 163, except when stated otherwise in this section. These special growth management provisions are adopted in recognition of the unique relationship between university campuses and the local governments in which they are located. While the campuses provide research and educational benefits of statewide and national importance, and further provide substantial educational, economic, and cultural benefits to their host local governments, they may also have an adverse impact on the public facilities and services and natural resources of host governments. On balance, however, universities should be considered as vital public facilities of the state and local governments. The intent of this section is to address this unique relationship by providing for the preparation of campus master plans and associated campus development agreements.

(2) As used in this section:

(a) "Affected local government" means a unit of local government that provides public services to or is responsible

for maintaining facilities within a campus of an institution or is directly affected by development that is proposed for a campus.

(b) "Affected person" means a host local government; an affected local government; any state, regional, or federal agency; or a person who resides, owns property, or owns or operates a business within the boundaries of a host local government or affected local government.

(c) "Host local government" means a local government within the jurisdiction of which all or part of a campus of an institution is located, but does not include a county if no part of an institution is located within its unincorporated area.

(d) "Institution" means a university.

(3) Each university board of trustees shall prepare and adopt a campus master plan for the university. The master plan must identify general land uses and address the need for and plans for provision of roads, parking, public transportation, solid waste, drainage, sewer, potable water, and recreation and open space during the coming 10 to 20 years. The plans must contain elements relating to future land use, intergovernmental coordination, capital improvements, recreation and open space, general infrastructure, housing, and conservation. Each element must address compatibility with the surrounding community. The master plan must identify specific land uses, location of structures, densities and intensities of use, and contain standards for onsite development, site design, environmental management, and the preservation of historic and archaeological resources. The transportation element must address reasonable transportation demand management techniques to minimize offsite impacts where

possible. Data and analyses on which the elements are based must include, at a minimum: the characteristics of vacant lands; projected impacts of development on onsite and offsite infrastructure, public services, and natural resources; student enrollment projections; student housing needs; and the need for academic and support facilities. Master plans must be updated at least every 5 years.

(4) Campus master plans may contain additional elements at the discretion of the State Board of Education; however, such elements are not subject to review under this section. These additional elements may include the academic mission of the institution, academic program, utilities, public safety, architectural design, landscape architectural design, and facilities maintenance.

(5) Subject to the right of the university board of trustees to initiate the dispute resolution provisions of subsection (8), a campus master plan must not be in conflict with the comprehensive plan of the host local government and the comprehensive plan of any affected local governments. A campus master plan must be consistent with the state comprehensive plan.

(6) Before a campus master plan is adopted, a copy of the draft master plan must be sent for review to the host and any affected local governments, the state land planning agency, the Department of Environmental Protection, the Department of Transportation, the Department of State, the Fish and Wildlife Conservation Commission, and the applicable water management district and regional planning council. These agencies must be given 90 days after receipt of the campus master plans in which to conduct their review and provide comments to the university board of trustees. The commencement

of this review period must be advertised in newspapers of general circulation within the host local government and any affected local government to allow for public comment. Following receipt and consideration of all comments, and the holding of at least two public hearings within the host jurisdiction, the university board of trustees shall adopt the campus master plan. It is the intent of the Legislature that the university board of trustees comply with the notice requirements set forth in s. 163.3184(15) to ensure full public participation in this planning process. Campus master plans developed under this section are not rules and are not subject to chapter 120 except as otherwise provided in this section.

(7) Notice that the campus master plan has been adopted must be forwarded within 45 days after its adoption to any affected person that submitted comments on the draft campus master plan. The notice must state how and where a copy of the master plan may be obtained or inspected. Within 30 days after receipt of the notice of adoption of the campus master plan, or 30 days after the date the adopted plan is available for review, whichever is later, an affected person who submitted comments on the draft master plan may petition the university board of trustees, challenging the campus master plan as not being in compliance with this section or any rule adopted under this section. The petition must state each objection, identify its source, and provide a recommended action. A petition filed by an affected local government may raise only those issues directly pertaining to the public facilities or services that the affected local government provides to or maintains within the campus or to the direct impact that campus development would have on the affected

1 local government.
2 (8) Following receipt of a petition, the petitioning
3 party or parties and the university board of trustees shall
4 mediate the issues in dispute as follows:
5 (a) The parties have 60 days to resolve the issues in
6 dispute. Other affected parties that submitted comments on the
7 draft campus master plan must be given the opportunity to
8 participate in these and subsequent proceedings.
9 (b) If resolution of the matter cannot be achieved
10 within 60 days, the issues must be submitted to the state land
11 planning agency. The state land planning agency has 60 days to
12 hold informal hearings, if necessary, identify the issues
13 remaining in dispute, prepare a record of the proceedings, and
14 submit the matter to the Administration Commission for final
15 action. The report to the Administration Commission must list
16 each issue in dispute, describe the nature and basis for each
17 dispute, identify alternative resolutions of the dispute, and
18 make recommendations.
19 (c) After receiving the report from the state land
20 planning agency, the Administration Commission shall take
21 action to resolve the issues in dispute. In deciding upon a
22 proper resolution, the Administration Commission shall
23 consider the nature of the issues in dispute, the compliance
24 of the parties with this section, the extent of the conflict
25 between the parties, the comparative hardships, and the public
26 interest involved. If the Administration Commission
27 incorporates in its final order a term or condition that
28 specifically requires the university board of trustees or a
29 local government to amend or modify its plan, the university
30 board of trustees shall have a reasonable period of time to
31 amend or modify its plan, and a local government shall

initiate the required plan amendment, which shall be exempt from the requirements of s. 163.3187(1). Any required amendment to a local government comprehensive plan must be limited in scope so as to only relate to specific impacts attributable to the campus development. The final order of the Administration Commission is subject to judicial review as provided in s. 120.68.

(9) An amendment to a campus master plan must be reviewed and adopted under subsections (6)-(8) if such amendment, alone or in conjunction with other amendments, would:

(a) Increase density or intensity of use of land on the campus by more than 10 percent;

(b) Decrease the amount of natural areas, open space, or buffers on the campus by more than 10 percent; or

(c) Rearrange land uses in a manner that will increase the impact of any proposed campus development by more than 10 percent on a road or on another public facility or service provided or maintained by the state, the county, the host local government, or any affected local government.

(10) Upon adoption of a campus master plan, the university board of trustees shall draft a proposed campus development agreement for each local government and send it to the local government within 270 days after the adoption of the relevant campus master plan.

(11) At a minimum, each campus development agreement:

(a) Must identify the geographic area of the campus and local government covered by the campus development agreement.

(b) Must establish its duration, which must be at least 5 years and not more than 10 years.

(c) Must address public facilities and services including roads, sanitary sewer, solid waste, drainage, potable water, parks and recreation, and public transportation.

(d) Must, for each of the facilities and services listed in paragraph (c), identify the level-of-service standard established by the applicable local government, identify the entity that will provide the service to the campus, and describe any financial arrangements between the State Board of Education and other entities relating to the provision of the facility or service.

(e) Must, for each of the facilities and services listed in paragraph (c), determine the impact of existing and proposed campus development reasonably expected over the term of the campus development agreement on each service or facility and any deficiencies in such service or facility which the proposed campus development will create or to which it will contribute.

(f) May, if proposed by the university board of trustees, address the issues prescribed in paragraphs (d) and (e) with regard to additional facilities and services, including, but not limited to, electricity, nonpotable water, law enforcement, fire and emergency rescue, gas, and telephone.

(g) Must, to the extent it addresses issues addressed in the campus master plan and host local government comprehensive plan, be consistent with the adopted campus master plan and host local government comprehensive plan.

(12)(a) Each proposed campus development agreement must clearly identify the lands to which the university board of trustees intends the campus development agreement to apply.

(b) Such land may include:

1. Land to be purchased by the university board of trustees and if purchased with state appropriated funds titled in the name of the board of trustees of the Internal Improvement Trust Fund for use by an institution over the life of the campus development agreement.

2. Land not owned by the board of trustees of the Internal Improvement Trust Fund if the university board of trustees intends to undertake development activities on the land during the term of the campus development agreement.

(c) Land owned by the Board of Trustees of the Internal Improvement Trust Fund for lease to the State Board of Education acting on behalf of the institution may be excluded, but any development activity undertaken on excluded land is subject to part II of chapter 163.

(13) With regard to the impact of campus development on the facilities and services listed in paragraph (11)(c), the following applies:

(a) All improvements to facilities or services which are necessary to eliminate the deficiencies identified in paragraph (11)(e) must be specifically listed in the campus development agreement.

(b) The university board of trustees' fair share of the cost of the measures identified in paragraph (a) must be stated in the campus development agreement. In determining the fair share, the effect of any demand management techniques, which may include such techniques as flexible work hours and carpooling, that are used by the State Board of Education to minimize the offsite impacts shall be considered.

(c) The university board of trustees is responsible for paying the fair share identified in paragraph (b), and it

may do so by:

1. Paying a fair share of each of the improvements identified in paragraph (a); or

2. Taking on full responsibility for the improvements, selected from the list of improvements identified in paragraph (a), and agreed to between the host local government and the State Board of Education, the total cost of which equals the contribution identified in paragraph (b).

(d) All concurrency management responsibilities of the university board of trustees are fulfilled if the university board of trustees expends the total amount of funds identified in paragraph (b) notwithstanding that the university board of trustees may not have undertaken or made contributions to some of the measures identified in paragraph (a).

(e) Capital projects included in the campus development agreement may be used by the local government for the concurrency management purposes.

(f) Funds provided by universities in accordance with campus development agreements are subject to appropriation by the Legislature. A development authorized by a campus development agreement may not be built until the funds to be provided pursuant to paragraph (b) are appropriated by the Legislature.

(14) A campus development agreement may not address or include any standards or requirements for onsite development, including environmental management requirements or requirements for site preparation.

(15) Once the university board of trustees and host local government agree on the provisions of the campus development agreement, the campus development agreement shall be executed by the university board of trustees and the host

local government in a manner consistent with the requirements of s. 163.3225. Once the campus development agreement is executed, it is binding upon the university board of trustees and host local government. A copy of the executed campus development agreement must be sent to the state land planning agency within 14 days after the date of execution.

(16) If, within 180 days following the host local government's receipt of the proposed campus development agreement, the university board of trustees and host local government cannot reach agreement on the provisions of the campus development agreement, the following procedures for resolving the matter must be followed:

(a) The matter must be submitted to the state land planning agency, which has 60 days to hold informal hearings, if necessary, and identify the issues remaining in dispute, prepare a record of the proceedings, and submit the matter to the Administration Commission for final action. The report to the Administration Commission must list each issue in dispute, describe the nature and basis for each dispute, identify alternative resolutions of each dispute, and make recommendations.

(b) After receiving the report from the state land planning agency, the Administration Commission shall take action to resolve the issues in dispute. In deciding upon a proper resolution, the Administration Commission shall consider the nature of the issues in dispute, the compliance of the parties with this section, the extent of the conflict between the parties, the comparative hardships, and the public interest involved. In resolving the matter, the Administration Commission may prescribe, by order, the contents of the campus development agreement.

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(17) Disputes that arise in the implementation of an executed campus development agreement must be resolved as follows:

(a) Each party shall select one mediator and notify the other in writing of the selection. Thereafter, within 15 days after their selection, the two mediators selected by the parties shall select a neutral, third mediator to complete the mediation panel.

(b) Each party is responsible for all costs and fees payable to the mediator selected by it and shall equally bear responsibility for the costs and fees payable to the third mediator for services rendered and costs expended in connection with resolving disputes pursuant to the campus development agreement.

(c) Within 10 days after the selection of the mediation panel, proceedings must be convened by the panel to resolve the issues in dispute.

(d) Within 60 days after the convening of the panel, the panel shall issue a report containing a recommended resolution of the issues in dispute.

(e) If either the university board of trustees or local government rejects the recommended resolution of the issues in dispute, the disputed issues must be resolved pursuant to the procedures provided by subsection (16).

(18) Once the campus development agreement is executed, all campus development may proceed without further review by the host local government if it is consistent with the adopted campus master plan and associated campus development agreement.

(19) A campus development agreement may be amended under subsections (10)-(16):

(a) In conjunction with any amendment to the campus master plan subject to the requirements in subsection (9).

(b) If either party delays by more than 12 months the construction of a capital improvement identified in the agreement.

(20) Any party to a campus development agreement or aggrieved or adversely affected person, as defined in s. 163.3215(2), may file an action for injunctive relief in the circuit court where the host local government is located to enforce the terms of a campus development agreement or to challenge compliance of the agreement with this section. This action shall be the sole and exclusive remedy of an adversely affected person other than a party to the agreement to enforce any rights or obligations arising from a development agreement.

(21) State and regional environmental program requirements remain applicable, except that this section supersedes all other sections of part II of chapter 163 and s. 380.06 except as provided in this section.

(22) In consultation with the state land planning agency, the State Board of Education shall adopt rules implementing subsections (3)-(6). The rules must set specific schedules and procedures for the development and adoption of campus master plans.

(23) Until the campus master plan and campus development agreement for an institution have been finalized, any dispute between the university board of trustees and a local government relating to campus development for that institution shall be resolved by the process established in subsection (8).

Section 826. Section 1013.31, Florida Statutes, is

Amendment No. ___ (for drafter's use only)

created to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.--

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Office of Workforce and Economic Development shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or community college that delivers career or adult education programs. Information used by the Office of Workforce and Economic Development to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or community college.

(a) Survey preparation and required data.--Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the commissioner. The survey report shall include at least an inventory of existing educational and ancillary plants; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan; campus master plan update and detail for community colleges; the utilization of school plants based on an extended school

day or year-round operation; and such other information as may be required by the rules of the State Board of Education. This report may be amended, if conditions warrant, at the request of the board or commissioner.

(b) Required need assessment criteria for district, community college, and state university plant surveys.--Each educational plant survey completed must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. Each school district's educational plant survey must reflect the capacity of existing satisfactory facilities as reported in the Florida Inventory of School Houses. Projections of facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities. Existing and projected capital outlay full-time equivalent student enrollment must be consistent with data prepared by the department and must include all enrollment used in the calculation of the distribution formula in s. 1013.64(3). To insure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district completing a new survey that year. If the department's review finds the data reported by a district is less than 95 percent accurate, within one year from the time of notification by the department the district must submit revised reports correcting its data. If a district fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district has corrected its

1 reports so that they are not less than 95 percent accurate.
2 All satisfactory relocatable classrooms, including those
3 owned, lease-purchased, or leased by the school district,
4 shall be included in the school district inventory of gross
5 capacity of facilities and must be counted at actual student
6 capacity for purposes of the inventory. For future needs
7 determination, student capacity shall not be assigned to any
8 relocatable classroom that is scheduled for elimination or
9 replacement with a permanent educational facility in the
10 adopted 5-year educational plant survey and in the district
11 facilities work program adopted under s. 1013.35. Those
12 relocatables clearly identified and scheduled for replacement
13 in a school board adopted financially feasible 5-year district
14 facilities work program shall be counted at zero capacity at
15 the time the work program is adopted and approved by the
16 school board. However, if the district facilities work program
17 is changed or altered and the relocatables are not replaced as
18 scheduled in the work program, they must then be reentered
19 into the system for counting at actual capacity. Relocatables
20 may not be perpetually added to the work program and
21 continually extended for purposes of circumventing the intent
22 of this section. All remaining relocatable classrooms,
23 including those owned, lease-purchased, or leased by the
24 school district, shall be counted at actual student capacity.
25 The educational plant survey shall identify the number of
26 relocatable student stations scheduled for replacement during
27 the 5-year survey period and the total dollar amount needed
28 for that replacement. All district educational plant surveys
29 shall include information on leased space used for conducting
30 the district's instructional program, in accordance with the
31 recommendations of the department's report authorized in s.

1013.15. A definition of satisfactory relocatable classrooms shall be established by rule of the State Board of Education.

2. Each survey of a special facility, joint-use facility, or cooperative career and technical education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, community colleges, and universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, community colleges, and universities, as appropriate. Projections of a school district's facility space needs may not exceed the norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each community college's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Department of Education. Projections of facility space needs must be consistent with standards for determining space needs approved by the Department of Education. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Department of Education.

5. The educational plant survey of a school district, community college, or state university may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district or institution and approved by the department as necessary for the delivery of an approved educational program.

(c) Review and validation.--The department shall review and validate the surveys of school districts, community colleges, and universities, and any amendments thereto for compliance with the requirements of this chapter and, when required by the State Constitution, shall recommend those in compliance for approval by the State Board of Education. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts selected by the commissioner from among districts with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the district survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds to be withheld from districts until such time as the survey accurately projects facilities needs.

(2) Only the district school superintendent, community college president, or university president shall certify to the department a project's compliance with the requirements for expenditure of PECO funds prior to release of funds.

(a) Upon request for release of PECO funds for planning purposes, certification must be made to the department that the need and location of the facility are in

compliance with the board-approved survey recommendations and that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding.

(b) Upon request for release of construction funds, certification must be made to the department that the need and location of the facility are in compliance with the board-approved survey recommendations, that the project meets the definition of a PECO project and the limiting criteria for expenditures of PECO funding, and that the construction documents meet the requirements of the Florida Building Code for educational facilities construction or other applicable codes as authorized in this chapter.

Section 827. Section 1013.32, Florida Statutes, is created to read:

1013.32 Exception to recommendations in educational plant survey.--An exception to the recommendations in the educational plant survey may be allowed if a board considers that it will be advantageous to the welfare of the educational system or that it will make possible a substantial saving of funds. A board, upon determining that an exception is warranted, must present a full statement, in writing, setting forth all the facts to the Commissioner of Education.

Section 828. Section 1013.33, Florida Statutes, is created to read:

1013.33 Coordination of planning with local governing bodies.--

(1) It is the policy of this state to require the coordination of planning between boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential

development, concurrently with other necessary services. Such planning shall include the integration of the educational plant survey and applicable policies and procedures of a board with the local comprehensive plan and land development regulations of local governing bodies. The planning must include the consideration of allowing students to attend the school located nearest their homes when a new housing development is constructed near a county boundary and it is more feasible to transport the students a short distance to an existing facility in an adjacent county than to construct a new facility or transport students longer distances in their county of residence. The planning must also consider the effects of the location of public education facilities, including the feasibility of keeping central city facilities viable, in order to encourage central city redevelopment and the efficient use of infrastructure and to discourage uncontrolled urban sprawl.

(2) A board and the local governing body must share and coordinate information related to existing and planned school facilities; proposals for development, redevelopment, or additional development; and infrastructure required to support the school facilities, concurrent with proposed development. A school board shall use Department of Education enrollment projections when preparing the 5-year district facilities work program pursuant to s. 1013.35, and a school board shall affirmatively demonstrate in the educational facilities report consideration of local governments' population projections to ensure that the 5-year work program not only reflects enrollment projections but also considers applicable municipal and county growth and development projections. A school board is precluded from siting a new

school in a jurisdiction where the school board has failed to provide the annual educational facilities report for the prior year required pursuant to s. 1013.34 unless the failure is corrected.

(3) The location of educational facilities shall be consistent with the comprehensive plan of the appropriate local governing body developed under part II of chapter 163 and the plan's implementing land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the state requirements for educational facilities, unless mutually agreed by the local government and the board.

(4) To improve coordination relative to potential educational facility sites, a board shall provide written notice to the local government that has regulatory authority over the use of the land at least 60 days prior to acquiring or leasing property that may be used for a new public educational facility. The local government, upon receipt of this notice, shall notify the board within 45 days if the site proposed for acquisition or lease is consistent with the land use categories and policies of the local government's comprehensive plan. This preliminary notice does not constitute the local government's determination of consistency pursuant to subsection (5).

(5) As early in the design phase as feasible, but at least before commencing construction of a new public educational facility, the local governing body that regulates the use of land shall determine, in writing within 90 days after receiving the necessary information and a school board's request for a determination, whether a proposed educational facility is consistent with the local comprehensive plan and

local land development regulations, to the extent that the regulations are not in conflict with or the subject regulated is not specifically addressed by this chapter or the Florida Building Code for educational facilities and construction, unless mutually agreed. If the determination is affirmative, school construction may proceed and further local government approvals are not required, except as provided in this section. Failure of the local governing body to make a determination in writing within 90 days after a district school board's request for a determination of consistency shall be considered an approval of the district school board's application. Campus master plans and development agreements must comply with the provisions of ss. 1013.30 and 1013.63.

(6) A local governing body may not deny the site applicant based on adequacy of the site plan as it relates solely to the needs of the school. If the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, the local government may not deny the application but it may impose reasonable development standards and conditions in accordance with s. 1013.51(1) and consider the site plan and its adequacy as it relates to environmental concerns, health, safety and welfare, and effects on adjacent property. Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed.

(7) This section does not prohibit a local governing body and district school board from agreeing and establishing an alternative process for reviewing a proposed educational facility and site plan, and offsite impacts.

(8) Existing schools shall be considered consistent

with the applicable local government comprehensive plan adopted under part II of chapter 163. The collocation of a new proposed public educational facility with an existing public educational facility, or the expansion of an existing public educational facility is not inconsistent with the local comprehensive plan, if the site is consistent with the comprehensive plan's future land use policies and categories in which public schools are identified as allowable uses, and levels of service adopted by the local government for any facilities affected by the proposed location for the new facility are maintained. If a board submits an application to expand an existing school site, the local governing body may impose reasonable development standards and conditions on the expansion only, and in a manner consistent with s. 1013.51(1). Standards and conditions may not be imposed which conflict with those established in this chapter or the State Uniform Building Code, unless mutually agreed. Local government review or approval is not required for:

(a) The placement of temporary or portable classroom facilities; or

(b) Proposed renovation or construction on existing school sites, with the exception of construction that changes the primary use of a facility, includes stadiums, or results in a greater than 5 percent increase in student capacity, or as mutually agreed.

Section 829. Section 1013.34, Florida Statutes, is created to read:

1013.34 General educational facilities report.--

(1) It is the policy of the state to foster coordination between district school boards and the local general-purpose governments as those local general-purpose

governments develop and implement plans under the Local Government Comprehensive Planning and Land Development Regulation Act, part II of chapter 163.

(2) Each district school board shall submit annually on October 1 to each local government within the school board's jurisdiction a general educational facilities report. The general educational facilities report must contain information detailing existing educational facilities and their locations and projected needs. The report must also contain the board's capital improvement plan, including planned facilities with funding over the next 3 years, and the educational facilities representing the district's unmet need. The school board shall also provide a copy of its educational plan survey to each local government at least once every 5 years.

Section 830. Section 1013.35, Florida Statutes, is created to read:

1013.35 School district facilities work program; definitions; preparation, adoption, and amendment; long-term work programs.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Adopted district facilities work program" means the 5-year work program adopted by the district school board as provided in subsection (3).

(b) "Tentative district facilities work program" means the 5-year listing of capital outlay projects required:

1. To properly maintain the educational plant and ancillary facilities of the district.

2. To provide an adequate number of satisfactory student stations for the projected student enrollment of the district in K-12 programs in accordance with the goal in s.

Amendment No. ___ (for drafter's use only)

1013.21.

(2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK PROGRAM.--

(a) Annually, prior to the adoption of the district school budget, each district school board shall prepare a tentative district facilities work program that includes:

1. A schedule of major repair and renovation projects necessary to maintain the educational plant and ancillary facilities of the district.

2. A schedule of capital outlay projects necessary to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs. This schedule shall consider:

a. The locations, capacities, and planned utilization rates of current educational facilities of the district.

b. The proposed locations of planned facilities.

c. Plans for the use and location of relocatable facilities, leased facilities, and charter school facilities.

d. Plans for multitrack scheduling, grade level organization, block scheduling, or other alternatives that reduce the need for permanent student stations.

e. Information concerning average class size and utilization rate by grade level within the district that will result if the tentative district facilities work program is fully implemented. The average shall not include exceptional student education classes or prekindergarten classes.

f. The number and percentage of district students planned to be educated in relocatable facilities during each year of the tentative district facilities work program.

g. Plans for the closure of any school, including plans for disposition of the facility or usage of facility

space, and anticipated revenues.

3. The projected cost for each project identified in the tentative district facilities work program. For proposed projects for new student stations, a schedule shall be prepared comparing the planned cost and square footage for each new student station, by elementary, middle, and high school levels, to the low, average, and high cost of facilities constructed throughout the state during the most recent fiscal year for which data is available from the Department of Education.

4. A schedule of estimated capital outlay revenues from each currently approved source which is estimated to be available for expenditure on the projects included in the tentative district facilities work program.

5. A schedule indicating which projects included in the tentative district facilities work program will be funded from current revenues projected in subparagraph 4.

6. A schedule of options for the generation of additional revenues by the district for expenditure on projects identified in the tentative district facilities work program which are not funded under subparagraph 5. Additional anticipated revenues may include effort index grants, SIT Program awards, and Classrooms First funds.

(b) To the extent available, the tentative district facilities work program shall be based on information produced by the demographic, revenue, and education estimating conferences pursuant to s. 216.136.

(c) Provision shall be made for public comment concerning the tentative district facilities work program.

(3) ADOPTED DISTRICT FACILITIES WORK PROGRAM.--Annually, the district school board shall consider

and adopt the tentative district facilities work program completed pursuant to subsection (2). Upon giving proper public notice and opportunity for public comment, the district school board may amend the program to revise the priority of projects, to add or delete projects, to reflect the impact of change orders, or to reflect the approval of new revenue sources which may become available. The adopted district facilities work program shall:

(a) Be a complete, balanced capital outlay financial plan for the district.

(b) Set forth the proposed commitments and planned expenditures of the district to address the educational facilities needs of its students and to adequately provide for the maintenance of the educational plant and ancillary facilities.

(4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK PROGRAM.--The first year of the adopted district facilities work program shall constitute the capital outlay budget required in s. 1013.61. The adopted district facilities work program shall include the information required in subparagraphs (2)(a)1., 2., and 3., based upon projects actually funded in the program.

(5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to the adopted district facilities work program covering the 5-year work program, the district school board shall adopt annually a 10-year and a 20-year work program which include the information set forth in subsection (2), but based upon enrollment projections and facility needs for the 10-year and 20-year periods. It is recognized that the projections in the 10-year and 20-year timeframes are tentative and should be used only for general planning purposes.

Amendment No. ___ (for drafter's use only)

Section 831. Section 1013.36, Florida Statutes, is created to read:

1013.36 Site planning and selection.--

(1) Before acquiring property for sites, each district school board and community college board of trustees shall determine the location of proposed educational centers or campuses. In making this determination, the board shall consider existing and anticipated site needs and the most economical and practicable locations of sites. The board shall coordinate with the long-range or comprehensive plans of local, regional, and state governmental agencies to assure the compatibility of such plans with site planning. Boards are encouraged to locate educational facilities proximate to urban residential areas to the extent possible, and shall seek to collocate educational facilities with other public facilities, such as parks, libraries, and community centers, to the extent possible.

(2) Each new site selected must be adequate in size to meet the educational needs of the students to be served on that site by the original educational facility or future expansions of the facility through renovation or the addition of relocatables. The State Board of Education shall prescribe by rule recommended sizes for new sites according to categories of students to be housed and other appropriate factors determined by the state board. Less-than-recommended site sizes are allowed if the board recommends such a site and finds that it can provide an appropriate and equitable educational program on the site.

(3) Sites recommended for purchase or purchased must meet standards prescribed in law and such supplementary standards as the State Board of Education prescribes to

promote the educational interests of the students. Each site must be well drained and suitable for outdoor educational purposes as appropriate for the educational program. As provided in s. 333.03, the site must not be located within any path of flight approach of any airport. Insofar as is practicable, the site must not adjoin a right-of-way of any railroad or through highway and must not be adjacent to any factory or other property from which noise, odors, or other disturbances, or at which conditions, would be likely to interfere with the educational program.

(4) It shall be the responsibility of the board to provide adequate notice to appropriate municipal, county, regional, and state governmental agencies for requested traffic control and safety devices so they can be installed and operating prior to the first day of classes or to satisfy itself that every reasonable effort has been made in sufficient time to secure the installation and operation of such necessary devices prior to the first day of classes. It shall also be the responsibility of the board to review annually traffic control and safety device needs and to request all necessary changes indicated by such review.

(5) Each board may request county and municipal governments to construct and maintain sidewalks and bicycle trails within a 2-mile radius of each educational facility within the jurisdiction of the local government. When a board discovers or is aware of an existing hazard on or near a public sidewalk, street, or highway within a 2-mile radius of a school site and the hazard endangers the life or threatens the health or safety of students who walk, ride bicycles, or are transported regularly between their homes and the school in which they are enrolled, the board shall, within 24 hours

after discovering or becoming aware of the hazard, excluding Saturdays, Sundays, and legal holidays, report such hazard to the governmental entity within the jurisdiction of which the hazard is located. Within 5 days after receiving notification by the board, excluding Saturdays, Sundays, and legal holidays, the governmental entity shall investigate the hazardous condition and either correct it or provide such precautions as are practicable to safeguard students until the hazard can be permanently corrected. However, if the governmental entity that has jurisdiction determines upon investigation that it is impracticable to correct the hazard, or if the entity determines that the reported condition does not endanger the life or threaten the health or safety of students, the entity shall, within 5 days after notification by the board, excluding Saturdays, Sundays, and legal holidays, inform the board in writing of its reasons for not correcting the condition. The governmental entity, to the extent allowed by law, shall indemnify the board from any liability with respect to accidents or injuries, if any, arising out of the hazardous condition.

Section 832. Section 1013.365, Florida Statutes, is created to read:

1013.365 Schools on contaminated site prohibited.--

(1) DEFINITIONS.--For purposes of this section, the following terms shall have the same meaning as provided in the definitions in s. 376.301: "contaminant," "contaminated site," "discharge," "engineering controls," "hazardous substances," "institutional controls," "pollutants," and "site rehabilitation."

(2) LEGISLATIVE INTENT.--The Legislature finds:

(a) Steps should be taken to eliminate or reduce the

risk to student health posed by attendance at K-12 schools located on or adjacent to a contaminated site.

(b) District school boards have a duty and a responsibility to ensure the safety of school children while attending K-12 schools and engaging in extracurricular activities on school properties.

(c) Ensuring student safety includes preventing, eliminating, or reducing exposure to contaminants that may exist at or adjacent to K-12 school properties.

(3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No K-12 school shall be built on or adjacent to a known contaminated site unless steps have been taken to ensure that children attending the school or playing on school property will not be exposed to contaminants in the air, water, or soil at levels that present a threat to human health or the environment.

(4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking title to real property upon which a K-12 school may be built or initiating action to locate a K-12 school on real property already owned by the school district, the district school board shall conduct appropriate due diligence including all appropriate inquiry into the previous ownership and use of the property consistent with good commercial or customary practice in an effort to determine the existence of any potential air, water, or soil contamination that may exist on or adjacent to the proposed K-12 school site. The district school board is encouraged to contact the Department of Environmental Protection to obtain any information about contaminated sites on or adjacent to a proposed K-12 school site. Any evidence of a discharge of pollutants or hazardous substances on or adjacent to a proposed K-12 school site shall prompt the

district school board to conduct further investigation using at least a Phase II Environmental Audit, in accordance with standards established by the American Society for Testing and Materials (ASTM), that includes air, water, and soil sampling. If the results of the environmental audit confirm the presence of contaminants or pollution on or adjacent to the proposed K-12 school site at concentrations that pose a threat to human health or the environment, then the district school board shall conduct appropriate site rehabilitation in accordance with the provisions of subsection (5) before initiating K-12 school construction at the site.

(5) CORRECTIVE ACTION.--The Department of Environmental Protection may use risk-based corrective action cleanup criteria as described in ss. 376.3071, 376.3078, and 376.81, and in Chapter 62-777, F.A.C., in reviewing and approving site rehabilitation conducted by district school boards pursuant to this section.

Section 833. Part III.b. of chapter 1013, Florida Statutes, shall be entitled "Building Codes and Construction for Educational Facilities" and shall consist of ss. 1013.37-1013.45.

Section 834. Section 1013.37, Florida Statutes, is created to read:

1013.37 State uniform building code for public educational facilities construction.--

(1) UNIFORM BUILDING CODE.--A uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees shall be adopted by the Florida Building Commission within the Florida Building Code, pursuant to s. 553.73. Included in this code must be

flood plain management criteria in compliance with the rules and regulations in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto which are adopted by the Federal Emergency Management Agency. It is also the responsibility of the department to develop, as a part of the uniform building code, standards relating to:

(a) Prefabricated facilities or factory-built facilities that are designed to be portable, relocatable, demountable, or reconstructible; are used primarily as classrooms; and do not fall under the provisions of ss. 320.822-320.862. Such standards must permit boards to contract with the Department of Community Affairs for factory inspections by certified building code inspectors to certify conformance with applicable law and rules. The standards must comply with the requirements of s. 1013.20 for relocatable facilities intended for long-term use as classroom space, and the relocatable facilities shall be designed subject to missile impact criteria of s. 423(24)(d)(1) of the Florida Building Code when located in the windborne debris region.

(b) The sanitation of educational and ancillary plants and the health of occupants of educational and ancillary plants.

(c) The safety of occupants of educational and ancillary plants as provided in s. 1013.12, except that the firesafety criteria shall be established by the State Fire Marshal in cooperation with the Florida Building Commission and the department and such firesafety requirements must be incorporated into the Florida Fire Prevention Code.

(d) Accessibility for children, notwithstanding the provisions of s. 553.512.

(e) The performance of life-cycle cost analyses on

alternative architectural and engineering designs to evaluate their energy efficiencies.

1. The life-cycle cost analysis must consist of the sum of:

a. The reasonably expected fuel costs over the life of the building which are required to maintain illumination, water heating, temperature, humidity, ventilation, and all other energy-consuming equipment in a facility; and

b. The reasonable costs of probable maintenance, including labor and materials, and operation of the building.

2. For computation of the life-cycle costs, the department shall develop standards that must include, but need not be limited to:

a. The orientation and integration of the facility with respect to its physical site.

b. The amount and type of glass employed in the facility and the directions of exposure.

c. The effect of insulation incorporated into the facility design and the effect on solar utilization of the properties of external surfaces.

d. The variable occupancy and operating conditions of the facility and subportions of the facility.

e. An energy-consumption analysis of the major equipment of the facility's heating, ventilating, and cooling system; lighting system; and hot water system and all other major energy-consuming equipment and systems as appropriate.

3. Life-cycle cost criteria published by the Department of Education for use in evaluating projects.

4. Standards for construction materials and systems based on life-cycle costs that consider initial costs, maintenance costs, custodial costs, operating costs, and life

expectancy. The standards may include multiple acceptable materials. It is the intent of the Legislature to require district school boards to comply with these standards when expending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund and to prohibit district school boards from expending local capital outlay revenues for any project that includes materials or systems that do not comply with these standards, unless the district school board submits evidence that alternative materials or systems meet or exceed standards developed by the department.

It is not a purpose of the Florida Building Code to inhibit the use of new materials or innovative techniques; nor may it specify or prohibit materials by brand names. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in recommending to the Florida Building Commission revisions to the code.

(2) APPROVAL.--

(a) Before a contract has been let for the construction, the department, the district school board, the community college board, or its authorized review agent must approve the phase III construction documents. A district school board or a community college board may reuse prototype plans on another site, provided the facilities list and phase III construction documents have been updated for the new site and for compliance with the Florida Building Code and the

Florida Fire Prevention Code and any laws relating to firesafety, health and sanitation, casualty safety, and requirements for the physically handicapped which are in effect at the time a construction contract is to be awarded.

(b) In reviewing plans for approval, the department, the district school board, the community college board, or its review agent as authorized in s. 1013.38, shall take into consideration:

1. The need for the new facility.

2. The educational and ancillary plant planning.

3. The architectural and engineering planning.

4. The location on the site.

5. Plans for future expansion.

6. The type of construction.

7. Sanitary provisions.

8. Conformity to Florida Building Code standards.

9. The structural design and strength of materials proposed to be used.

10. The mechanical design of any heating, air-conditioning, plumbing, or ventilating system. Typical heating, ventilating, and air-conditioning systems preapproved by the department for specific applications may be used in the design of educational facilities.

11. The electrical design of educational plants.

12. The energy efficiency and conservation of the design.

13. Life-cycle cost considerations.

14. The design to accommodate physically handicapped persons.

15. The ratio of net to gross square footage.

16. The proposed construction cost per gross square

1 foot.
2 17. Conformity with the Florida Fire Prevention Code.
3 (c) The district school board or the community college
4 board may not occupy a facility until the project has been
5 inspected to verify compliance with statutes, rules, and codes
6 affecting the health and safety of the occupants. Verification
7 of compliance with rules, statutes, and codes for nonoccupancy
8 projects such as roofing, paving, site improvements, or
9 replacement of equipment may be certified by the architect or
10 engineer of record and verification of compliance for other
11 projects may be made by an inspector certified by the
12 department or certified pursuant to chapter 468 who is not the
13 architect or engineer of record. The board shall maintain a
14 record of the project's completion and permanent archive of
15 phase III construction documents, including any addenda and
16 change orders to the project. The boards shall provide project
17 data to the department, as requested, for purposes and reports
18 needed by the Legislature.
19 (3) REVIEW PROCEDURE.--The Commissioner of Education
20 shall cooperate with the Florida Building Commission in
21 addressing all questions, disputes, or interpretations
22 involving the provisions of the Florida Building Code which
23 govern the construction of public educational and ancillary
24 facilities, and any objections to decisions made by the
25 inspectors or the department must be submitted in writing.
26 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
27 department shall biennially review and recommend to the
28 Florida Building Commission updates and revisions to the
29 provisions of the Florida Building Code which govern the
30 construction of public educational and ancillary facilities.
31 The department shall publish and make available to each board

at no cost copies of the state requirements for educational facilities and each amendment and revision thereto. The department shall make additional copies available to all interested persons at a price sufficient to recover costs.

(5) LOCAL LEGISLATION PROHIBITED.--After June 30, 1985, pursuant to s. 11(a)(21), Art. III of the State Constitution, there shall not be enacted any special act or general law of local application which proposes to amend, alter, or contravene any provisions of the State Building Code adopted under the authority of this section.

Section 835. Section 1013.371, Florida Statutes, is created to read:

1013.371 Conformity to codes.--

(1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

(a) Except as otherwise provided in paragraph (b), all public educational and ancillary plants constructed by a board must conform to the Florida Building Code and the Florida Fire Prevention Code, and the plants are exempt from all other state building codes; county, municipal, or other local amendments to the Florida Building Code and local amendments to the Florida Fire Prevention Code; building permits, and assessments of fees for building permits, except as provided in s. 553.80; ordinances; road closures; and impact fees or service availability fees. Any inspection by local or state government must be based on the Florida Building Code and the Florida Fire Prevention Code. Each board shall provide for periodic inspection of the proposed educational plant during each phase of construction to determine compliance with the state requirements for educational facilities.

(b) A board may comply with the Florida Building Code

and the Florida Fire Prevention Code and the administration of the codes when constructing ancillary plants that are not attached to educational facilities, if those plants conform to the space size requirements established in the codes.

(c) A board may not approve any plans for the construction, renovation, remodeling, or demolition of any educational or ancillary plants unless these plans conform to the requirements of the Florida Building Code and the Florida Fire Prevention Code. Each board may adopt policies for delegating to the district school superintendent, community college president, or university president authority for submitting documents to the department and for awarding contracts subsequent to and consistent with board approval of the scope, timeframes, funding source, and budget of a survey-recommended project.

(2) ENFORCEMENT BY BOARD.--It is the responsibility of each board to ensure that all plans and educational and ancillary plants meet the standards of the Florida Building Code and the Florida Fire Prevention Code and to provide for the enforcement of these codes in the areas of its jurisdiction. Each board shall provide for the proper supervision and inspection of the work. Each board may employ a chief building official or inspector and such other inspectors, who have been certified pursuant to chapter 468, and such personnel as are necessary to administer and enforce the provisions of this code. Boards may also use local building department inspectors who are certified by the department to enforce this code. Plans or facilities that fail to meet the standards of the Florida Building Code or the Florida Fire Prevention Code may not be approved. When planning for and constructing an educational, auxiliary, or

ancillary facility, a board must use construction materials and systems that meet standards adopted pursuant to s. 1013.37(1)(e)3. and 4. If the planned or actual construction of a facility deviates from the adopted standards, the board must, at a public hearing, quantify and compare the costs of constructing the facility with the proposed deviations and in compliance with the adopted standards and the Florida Building Code. The board must explain the reason for the proposed deviations and compare how the total construction costs and projected life-cycle costs of the facility or component system of the facility would be affected by implementing the proposed deviations rather than using materials and systems that meet the adopted standards.

(3) ENFORCEMENT BY DEPARTMENT.--As a further means of ensuring that all educational and ancillary facilities constructed or materially altered or added to conform to the Florida Building Code standards or Florida Fire Prevention Code standards, each board that undertakes the construction, renovation, remodeling, purchasing, or lease-purchase of any educational plant or ancillary facility, the cost of which exceeds $200,000, may submit plans to the department for approval.

Section 836. Section 1013.372, Florida Statutes, is created to read:

1013.372 Education facilities as emergency shelters.--

(1) The Department of Education shall, in consultation with boards and county and state emergency management offices, include within the standards to be developed under this subsection public shelter design criteria to be incorporated into the Florida Building Code. The new criteria must be designed to ensure that appropriate new educational facilities

can serve as public shelters for emergency-management purposes. A facility, or an appropriate area within a facility, for which a design contract is entered into after the effective date of the inclusion of the public shelter criteria in the code must be built in compliance with the amended code unless the facility or a part of it is exempted from using the new shelter criteria due to its location, size, or other characteristics by the applicable board with the concurrence of the applicable local emergency management agency or the Department of Community Affairs. Any educational facility located or proposed to be located in an identified category 1, 2, or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the Department of Community Affairs, educational facilities within the planning council region are not required to incorporate the public shelter criteria.

(2) By January 31 of each even-numbered year, the Department of Community Affairs shall prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval. The plan must identify the general location and square footage of existing shelters, by regional planning council region, and the general location and square footage of needed shelters, by regional planning council region, during the next 5 years. The plan must identify the types of public facilities that should be constructed to comply with emergency-shelter criteria and must recommend an appropriate and available source of funding for the additional cost of constructing emergency shelters within these public facilities. After the approval of the plan, a board may not be

required to build more emergency-shelter space than identified as needed in the plan, and decisions pertaining to exemptions pursuant to subsection (1) must be guided by the plan.

(3) The provisions of s. 1013.74 apply to university facilities as emergency shelters.

Section 837. Section 1013.38, Florida Statutes, is created to read:

1013.38 Boards to ensure that facilities comply with building codes and life safety codes.--

(1) Boards shall ensure that all new construction, renovation, remodeling, day labor, and maintenance projects conform to the appropriate sections of the Florida Building Code, Florida Fire Prevention Code, or, where applicable as authorized in other sections of law, other building codes, and life safety codes.

(2) Boards may provide compliance as follows:

(a) Boards or consortia may individually or cooperatively provide review services under the insurance risk management oversight through the use of board employees or consortia employees, registered pursuant to chapter 471, chapter 481, or part XII of chapter 468.

(b) Boards may elect to review construction documents using their own employees registered pursuant to chapter 471, chapter 481, or part XII of chapter 468.

(c) Boards may submit phase III construction documents for review to the department.

(d) Boards or consortia may contract for plan review services directly with engineers and architects registered pursuant to chapter 471 or chapter 481.

(3) The Department of Management Services may, upon request, provide facilities services for the Florida School

for the Deaf and the Blind, the Division of Blind Services, and Public Broadcasting. As used in this section, the term "facilities services" means project management, code and design plan review, and code compliance inspection for projects as defined in s. 287.017(1)(e).

Section 838. Section 1013.39, Florida Statutes, is created to read:

1013.39 Building construction standards; exemptions.--Universities are exempt from local amendments to the Florida Building Code and the Florida Fire Prevention Code.

Section 839. Section 1013.40, Florida Statutes, is created to read:

1013.40 Planning and construction of community college facilities; property acquisition.--

(1) The need for community college facilities shall be established by a survey conducted pursuant to this chapter. The facilities recommended by such survey must be approved by the State Board of Education and the projects must be constructed according to the provisions of this chapter and State Board of Education rules.

(2) No community college may expend public funds for the acquisition of additional property without the specific approval of the Legislature.

(3) No facility may be acquired or constructed by a community college or its direct-support organization if such facility requires general revenue funds for operation or maintenance upon project completion or in subsequent years of operation, unless prior approval is received from the Legislature.

Section 840. Section 1013.41, Florida Statutes, is

created to read:

1013.41 SMART schools; Classrooms First; legislative purpose.--

(1) SMART SCHOOLS.--"SMART schools" are schools that are soundly made, accountable, reasonable, and thrifty. It is the purpose of the Legislature to provide a balanced and principle-based plan for a functional, safe, adequate, and thrifty learning environment for Florida's K-12 students through SMART schools. The plan must be balanced in serving all school districts and must also be balanced between the operating and capital sides of the budget. The principles upon which the plan is based are less government, lower taxes, increased responsibility of school districts, increased freedom through local control, and family and community empowerment.

(2) CLASSROOMS FIRST.--It is the purpose of the Legislature to substantially increase the state's investment in school construction in an equitable, fair, and reasonable way.

(3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is the purpose of the Legislature to create s. 1013.35, requiring each school district annually to adopt a district facilities 5-year work program. The purpose of the district facilities work program is to keep the district school board and the public fully informed as to whether the district is using sound policies and practices that meet the essential needs of students and that warrant public confidence in district operations. The district facilities work program will be monitored by the Office of Educational Facilities and SMART Schools Clearinghouse, which will also apply performance standards pursuant to s. 1013.04.

(4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS CLEARINGHOUSE.--It is the purpose of the Legislature to create s. 1013.05, establishing the Office of Educational Facilities and SMART Schools Clearinghouse to assist the school districts in building SMART schools utilizing functional and frugal practices. The Office of Educational Facilities and SMART Schools Clearinghouse must review district facilities work programs and projects and identify districts qualified for incentive funding available through School Infrastructure Thrift Program awards; identify opportunities to maximize design and construction savings; develop school district facilities work program performance standards; and provide for review and recommendations to the Governor, the Legislature, and the State Board of Education.

(5) EFFORT INDEX GRANTS.--It is the purpose of the Legislature to create s. 1013.73, in order to provide grants from state funds to assist school districts that have provided a specified level of local effort funding.

(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS.--It is the purpose of the Legislature to convert the SIT Program established in ss. 1013.42 and 1013.72 to an incentive award program to encourage functional, frugal facilities and practices.

Section 841. Section 1013.42, Florida Statutes, is created to read:

1013.42 School Infrastructure Thrift (SIT) Program Act.--

(1) This section and s. 1013.72 may be cited as the "School Infrastructure Thrift Program Act."

(2) The School Infrastructure Thrift (SIT) Program is established within the Department of Education, and the State

Board of Education may adopt rules as necessary to operate the program. To facilitate the program's purposes, the department shall aggressively seek the elimination or revision of obsolete, excessively restrictive, or unnecessary laws, rules, and regulations for the purpose of reducing the cost of constructing educational facilities and related costs without sacrificing safety or quality of construction. Such efforts must include, but are not limited to, the elimination of duplicate or overlapping inspections; the relaxation of requirements relating to the life cycle of buildings, landscaping, operable glazing, operable windows, radon testing, and firesafety when lawful, safe, and cost-beneficial; and other cost savings identified as lawful, safe, and cost-beneficial.

(3) The SIT Program is designed as:

(a) An incentive program to reward districts for savings realized through functional, frugal construction.

(b) A recognition program to provide an annual SMART school of the year recognition award to the district that builds the highest quality functional, frugal school.

(4) Funds shall be appropriated to the SIT Program on an annual basis as determined by the Legislature. Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, undisbursed balances of appropriations to the SIT Program shall not revert. It is the intent of the Legislature to continue funding the SIT Program with funds available through frugal government operation and agency savings.

(5) Participating school districts may seek SIT Program awards beginning July 1, 1997, for projects commenced after or for projects underway at that time, if the projects comply with s. 1013.72.

(6)(a) Each school district may submit to the Office of Educational Facilities and SMART Schools Clearinghouse, with supporting data, its request, based on eligibility pursuant to s. 1013.72 for an award of SIT Program dollars.

(b) The Office of Educational Facilities and SMART Schools Clearinghouse shall examine the supporting data from each school district and shall report to the commissioner each district's eligibility pursuant to s. 1013.72. Based on the office's report and pursuant to ss. 1013.04 and 1013.05, the office shall make recommendations, ranked in order of priority, for SIT Program awards.

(c) The criteria for SIT Program evaluation and recommendation for awards must be based on the school district's eligibility pursuant to s. 1013.72 and the balance of dollars in the SIT Program.

(7) Awards from the SIT Program shall be made by the commissioner from funds appropriated by the Legislature. An award funded by an appropriation from the General Revenue Fund may be used for any lawful capital outlay expenditure. An award funded by an appropriation of the proceeds of bonds issued pursuant to s. 1013.70 may be used only for bondable capital outlay projects.

Section 842. Section 1013.43, Florida Statutes, is created to read:

1013.43 Small school requirement.--

(1) LEGISLATIVE FINDINGS.--The Legislature finds that:

(a) Florida's schools are among the largest in the nation.

(b) Smaller schools provide benefits of reduced discipline problems and crime, reduced truancy and gang participation, reduced dropout rates, improved teacher and

student attitudes, improved student self-perception, student academic achievement equal to or superior to that of students at larger schools, and increased parental involvement.

(c) Smaller schools can provide these benefits while not increasing administrative and construction costs.

(2) DEFINITION.--As used in this section, "small school" means:

(a) An elementary school with a student population of not more than 500 students.

(b) A middle school with a student population of not more than 700 students.

(c) A high school with a student population of not more than 900 students.

(d) A school serving kindergarten through grade 8 with a student population of not more than 700 students.

(e) A school serving kindergarten through grade 12 with a student population of not more than 900 students.

A school on a single campus which operates as a school-within-a-school, as defined by s. 1003.02(4), shall be considered a small school if each smaller unit located on the single campus meets the requirements of this subsection.

(3) REQUIREMENTS.--

(a) Beginning July 1, 2003, all plans for new educational facilities to be constructed within a school district and reflected in the 5-year school district facilities work plan shall be plans for small schools in order to promote increased learning and more effective use of school facilities.

(b) Small schools shall comply with all laws, rules, and court orders relating to racial balance.

(4) EXCEPTIONS.--This section does not apply to plans for new educational facilities already under architectural contract on July 1, 2003.

Section 843. Section 1013.44, Florida Statutes, is created to read:

1013.44 Low-energy use design; solar energy systems; swimming pool heaters.--

(1)(a) Passive design elements and low-energy usage features shall be included in the design and construction of new educational facilities. Operable glazing consisting of at least 5 percent of the floor area shall be placed in each classroom located on the perimeter of the building. For a relocatable classroom, the area of operable glazing and the area of exterior doors, together, shall consist of at least 5 percent of the floor area. Operable glazing is not required in community colleges, auxiliary facilities, music rooms, gyms, locker and shower rooms, special laboratories requiring special climate control, and large group instruction areas having a capacity of more than 100 persons.

(b) In the remodeling and renovation of educational facilities which have existing natural ventilation, adequate sources of natural ventilation shall be retained, or a combination of natural and low-energy usage mechanical equipment shall be provided that will permit the use of the facility without air-conditioning or heat when ambient conditions are moderate. However, the Commissioner of Education is authorized to waive this requirement when environmental conditions, particularly noise and pollution factors, preclude the effective use of natural ventilation.

(2) Each new educational facility for which the projected demand for hot water exceeds 1,000 gallons a day

shall be constructed, whenever economically and physically feasible, with a solar energy system as the primary energy source for the domestic hot water system of the facility. The solar energy system shall be sized so as to provide at least 65 percent of the estimated needs of the facility. Sizing shall be determined by generally recognized simulation models, such as F-chart and SOLCOST, or by sizing tables generated by the Florida Solar Energy Center.

(3) If swimming and wading pools constructed as an integral part of an educational facility or plant are heated, such pools shall, whenever feasible, be heated by either a waste heat recovery system or a solar energy system.

Section 844. Section 1013.45, Florida Statutes, is created to read:

1013.45 Educational facilities contracting and construction techniques.--

(1) Boards may employ procedures to contract for construction of new facilities, or major additions to existing facilities, that will include, but not be limited to:

(a) Competitive bids.

(b) Design-build pursuant to s. 287.055.

(c) Selecting a construction management entity, pursuant to the process provided by s. 287.055, that would be responsible for all scheduling and coordination in both design and construction phases and is generally responsible for the successful, timely, and economical completion of the construction project. The construction management entity must consist of or contract with licensed or registered professionals for the specific fields or areas of construction to be performed, as required by law. At the option of the board, the construction management entity, after having been

selected, may be required to offer a guaranteed maximum price or a guaranteed completion date; in which case, the construction management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold construction subcontracts. The criteria for selecting a construction management entity shall not unfairly penalize an entity that has relevant experience in the delivery of construction projects of similar size and complexity by methods of delivery other than construction management.

(d) Selecting a program management entity, pursuant to the process provided by s. 287.055, that would act as the agent of the board and would be responsible for schedule control, cost control, and coordination in providing or procuring planning, design, and construction services. The program management entity must consist of or contract with licensed or registered professionals for the specific areas of design or construction to be performed as required by law. The program management entity may retain necessary design professionals selected under the process provided in s. 287.055. At the option of the board, the program management entity, after having been selected, may be required to offer a guaranteed maximum price or a guaranteed completion date, in which case, the program management entity must secure an appropriate surety bond pursuant to s. 255.05 and must hold design and construction subcontracts. The criteria for selecting a program management entity shall not unfairly penalize an entity that has relevant experience in the delivery of construction programs of similar size and complexity by methods of delivery other than program management.

(e) Day-labor contracts not exceeding $200,000 for

construction, renovation, remodeling, or maintenance of existing facilities.

(2) For the purposes of this section, "day-labor contract" means a project constructed using persons employed directly by a board or by contracted labor.

(3) Contractors, design-build firms, contract management entities, program management entities, or any other person under contract to construct facilities or major additions to facilities may use any construction techniques allowed by contract and not prohibited by law, including, but not limited to, those techniques known as fast-track construction scheduling, use of components, and systems building process.

(4) Except as otherwise provided in this section and s. 481.229, the services of a registered architect must be used for the development of plans for the erection, enlargement, or alteration of any educational facility. The services of a registered architect are not required for a minor renovation project for which the construction cost is less than $50,000 or for the placement or hookup of relocatable educational facilities that conform with standards adopted under s. 1013.37. However, boards must provide compliance with building code requirements and ensure that these structures are adequately anchored for wind resistance as required by law. Boards are encouraged to consider the reuse of existing construction documents or design criteria packages where such reuse is feasible and practical. Notwithstanding s. 287.055, a board may purchase the architectural services for the design of educational or ancillary facilities under an existing contract agreement for professional services held by a district school board in the

State of Florida, provided that the purchase is to the economic advantage of the purchasing board, the services conform to the standards prescribed by rules of the State Board of Education, and such reuse is not without notice to, and permission from, the architect of record whose plans or design criteria are being reused. Plans shall be reviewed for compliance with the state requirements for educational facilities. Rules adopted under this section must establish uniform prequalification, selection, bidding, and negotiation procedures applicable to construction management contracts and the design-build process. This section does not supersede any small, woman-owned or minority-owned business enterprise preference program adopted by a board. Except as otherwise provided in this section, the negotiation procedures applicable to construction management contracts and the design-build process must conform to the requirements of s. 287.055. A board may not modify any rules regarding construction management contracts or the design-build process.

Section 845. Part III.c. of chapter 1013, Florida Statutes, shall be entitled "Contracting for Educational Facilities" and shall consist of ss. 1013.46-1013.51.

Section 846. Section 1013.46, Florida Statutes, is created to read:

1013.46 Advertising and awarding contracts; prequalification of contractor.--

(1)(a) As soon as practicable after any bond issue has been voted upon and authorized or funds have been made available for the construction, remodeling, renovation, demolition, or otherwise for the improvement, of any educational or ancillary plant, and after plans for the work have been approved, the board, if competitively bidding the

project pursuant to s. 1013.45, after advertising the same in the manner prescribed by law or rule, shall award the contract for the building or improvements to the lowest responsible bidder. However, if after taking all deductive alternates, the bid of the lowest responsible bidder exceeds the construction budget for the project established at the phase III submittal, the board may declare an emergency. After stating the reasons why an emergency exists, the board may negotiate the construction contract or modify the contract, including the specifications, with the lowest responsible bidder and, if the contract is modified, shall resubmit the documents to the authorized review authority for review to confirm that the project remains in compliance with building and fire codes. The board may reject all bids received and may readvertise, calling for new bids.

(b) Each board may declare an emergency pursuant to this subsection. A situation created by fire, storm, or other providential cause resulting in:

1. Imminent danger to life or safety; or

2. Overcrowding of students

constitutes an emergency.

(c) As an option, any county, municipality, or board may set aside up to 10 percent of the total amount of funds allocated for the purpose of entering into construction capital project contracts with minority business enterprises, as defined in s. 287.094. Such contracts shall be competitively bid only among minority business enterprises. The set-aside shall be used to redress present effects of past discriminatory practices and shall be subject to periodic reassessment to account for changing needs and circumstances.

(2) Boards shall prequalify bidders for construction contracts according to rules prescribed by the State Board of Education which require the prequalification of bidders of educational facilities construction. Boards shall require that all construction or capital improvement bids be accompanied by evidence that the bidder holds an appropriate certificate or license or that the prime contractor has a current valid license.

Section 847. Section 1013.47, Florida Statutes, is created to read:

1013.47 Substance of contract; contractors to give bond; penalties.--Each board shall develop contracts consistent with this chapter and statutes governing public facilities. Such a contract must contain the drawings and specifications of the work to be done and the material to be furnished, the time limit in which the construction is to be completed, the time and method by which payments are to be made upon the contract, and the penalty to be paid by the contractor for any failure to comply with the terms of the contract. The board may require the contractor to pay a penalty for any failure to comply with the terms of the contract and may provide an incentive for early completion. Upon accepting a satisfactory bid, the board shall enter into a contract with the party or parties whose bid has been accepted. The contractor shall furnish the board with a performance and payment bond as set forth in s. 255.05. A board or other public entity may not require a contractor to secure a surety bond under s. 255.05 from a specific agent or bonding company. Notwithstanding any other provision of this section, if 25 percent or more of the costs of any construction project is paid out of a trust fund established

pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics employed by contractors or subcontractors on such construction will be paid wages not less than those prevailing on similar construction projects in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended. A person, firm, or corporation that constructs any part of any educational plant, or addition thereto, on the basis of any unapproved plans or in violation of any plans approved in accordance with the provisions of this chapter and rules of the State Board of Education relating to building standards or specifications is subject to forfeiture of bond and unpaid compensation in an amount sufficient to reimburse the board for any costs that will need to be incurred in making any changes necessary to assure that all requirements are met and is also guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for each separate violation.

Section 848. Section 1013.48, Florida Statutes, is created to read:

1013.48 Changes in construction requirements after award of contract.--The board may, at its option and by written policy duly adopted and entered in its official minutes, authorize the superintendent or president or other designated individual to approve change orders in the name of the board for preestablished amounts. Approvals shall be for the purpose of expediting the work in progress and shall be reported to the board and entered in its official minutes. For accountability, the school district shall monitor and report the impact of change orders on its district facilities work program pursuant to s. 1013.35.

Section 849. Section 1013.49, Florida Statutes, is

created to read:

1013.49 Toxic substances in construction, repair, or maintenance of educational facilities.--

(1) All toxic substances enumerated in the Florida Substance List established pursuant to s. 442.103 that are to be used in the construction, repair, or maintenance of educational facilities have restricted usage provisions.

(2) Before any such substance may be used, the contractor shall notify the district school superintendent or public postsecondary institution president in writing at least three working days prior to using the substance. The notification shall contain:

(a) The name of the substance to be used;

(b) Where the substance is to be used; and

(c) When the substance is to be used.

A copy of a material safety data sheet as defined in s. 442.102 shall be attached to the notification for each such substance.

Section 850. Section 1013.50, Florida Statutes, is created to read:

1013.50 Final payment to contractor.--

(1) The final payment to the contractor shall not be made until the construction project has been inspected by the architect or other person designated by the board for that purpose and until he or she has issued a written certificate that the project has been constructed in accordance with the approved plans and specifications and approved change orders and until the board, acting on these recommendations, has accepted the project. After acceptance by the board, a duplicate copy of this written certificate, duly certified as

having been accepted by the board, as well as other related data on contract costs and total costs per student station, space inventory update, and other related building information must be filed with the department for budget and cost reporting purposes.

(2) Boards shall have full authority and responsibility for all decisions regarding educational and ancillary plant construction contracts, change orders, and payments.

Section 851. Section 1013.51, Florida Statutes, is created to read:

1013.51 Expenditures authorized for certain infrastructure.--

(1)(a) Subject to exemption from the assessment of fees pursuant to s. 1013.37(1), education boards, boards of county commissioners, municipal boards, and other agencies and boards of the state may expend funds, separately or collectively, by contract or agreement, for the placement, paving, or maintaining of any road, byway, or sidewalk if the road, byway, or sidewalk is contiguous to or runs through the property of any educational plant or for the maintenance or improvement of the property of any educational plant or of any facility on such property. Expenditures may also be made for sanitary sewer, water, stormwater, and utility improvements upon, or contiguous to, and for the installation, operation, and maintenance of traffic control and safety devices upon, or contiguous to, any existing or proposed educational plant.

(b) A board may pay its proportionate share of the cost of onsite and offsite system improvements necessitated by the educational facility development, but a board is not required to pay for or install any improvements that exceed

those required to meet the onsite and offsite needs of a new public educational facility or an expanded site. Development exactions assessed against school boards or community college districts may not exceed the proportionate share of the cost of system improvements necessitated by the educational facility development and may not address existing facility or service backlogs or deficits.

(c) The boards of county commissioners, municipal boards, and other agencies and boards of the state may plant or maintain trees, flowers, shrubbery, and beautifying plants upon the grounds of any educational plant, upon approval of the superintendent or president or the designee of either of them. Payment by a board for any improvement set forth in this section shall be authorized in any amounts agreed to by the board. Any payments so authorized to be made are not mandatory unless the specific improvement and costs have been agreed to prior to the improvement's being made.

(2) The provisions of any law, municipal ordinance, or county ordinance to the contrary notwithstanding, the provisions of this section regulate the levying of assessments for special benefits on school or community college districts and the directing of the payment thereof. Any municipal ordinance or county ordinance making provision to the contrary is void.

(3) Notwithstanding any other law, if a board agrees to construct or upgrade water or sewer facilities, or otherwise provide, construct, upgrade, or maintain offsite infrastructure beyond its proportionate share of responsibility, the local government that issues development approvals shall assure that the board is reimbursed for the additional costs incurred, to the extent that other

development occurs which demands use of such infrastructure.

(4) Expenditure for infrastructure for universities shall be as authorized in s. 1013.30.

Section 852. Part III.d. of chapter 1013, Florida Statutes, shall be entitled "Cooperative Development of Educational Facilities" and shall consist of ss. 1013.52-1013.54.

Section 853. Section 1013.52, Florida Statutes, is created to read:

1013.52 Cooperative development and joint use of facilities by two or more boards.--

(1) Two or more boards, including district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and university boards of trustees, desiring to cooperatively establish a common educational facility to accommodate students shall:

(a) Jointly request a formal assessment by the Commissioner of Education of the academic program need and the need to build new joint-use facilities to house approved programs. Completion of the assessment and approval of the project by the State Board of Education or the Commissioner of Education, as appropriate, should be done prior to conducting an educational facilities survey.

(b) Demonstrate the need for construction of new joint-use facilities involving postsecondary institutions by those institutions presenting evidence of the presence of sufficient actual full-time equivalent enrollments in the locale in leased, rented, or borrowed spaces to justify the requested facility for the programs identified in the formal assessment rather than using projected or anticipated future

full-time equivalent enrollments as justification. If the decision is made to construct new facilities to meet this demonstrated need, then building plans should consider full-time equivalent enrollment growth facilitated by this new construction and subsequent new program offerings made possible by the existence of the new facilities.

(c) Adopt and submit to the commissioner a joint resolution of the participating boards indicating their commitment to the utilization of the requested facility and designating the locale of the proposed facility. The joint resolution shall contain a statement of determination by the participating boards that alternate options, including the use of leased, rented, or borrowed space, were considered and found less appropriate than construction of the proposed facility. The joint resolution shall contain assurance that the development of the proposed facility has been examined in conjunction with the programs offered by neighboring public educational facilities offering instruction at the same level. The joint resolution also shall contain assurance that each participating board shall provide for continuity of educational progression. All joint resolutions shall be submitted to the commissioner by August 1 for consideration of funding by the subsequent Legislature.

(d) Submit requests for funding of joint-use facilities projects involving state universities and community colleges for approval by the Commissioner of Education. The Commissioner of Education shall determine the priority for funding these projects in relation to the priority of all other capital outlay projects under their consideration. To be eligible for funding from the Public Education Capital Outlay and Debt Service Trust Fund under the provisions of this

section, projects involving both state universities and community colleges shall appear on the 3-year capital outlay priority lists of community colleges and of universities required by s. 1013.64. Projects involving a state university, community college, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the community college, shall appear on the 3-year capital outlay priority lists of the community colleges or of the universities, as applicable.

(e) Include in their joint resolution for the joint-use facilities, comprehensive plans for the operation and management of the facility upon completion. Institutional responsibilities for specific functions shall be identified, including designation of one participating board as sole owner of the facility. Operational funding arrangements shall be clearly defined.

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in s. 1013.31. Upon approval of the project by the commissioner, 25 percent of the total cost of the project, or the pro rata share based on space utilization of 25 percent of the cost, must be included in the department's legislative capital outlay budget request as provided in s. 1013.60 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the

facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities must be documentation that the proposed new campus or new joint-use facility has been reviewed by the State Board of Education and has been formally requested for authorization by the Legislature.

(4) No district school board, community college, or state university shall receive funding for more than one approved joint-use facility per campus in any 3-year period.

Section 854. Section 1013.53, Florida Statutes, is created to read:

1013.53 Cooperative development of educational facilities in juvenile justice programs.--

(1) The Department of Juvenile Justice shall provide early notice to school districts regarding the siting of new juvenile justice facilities. School districts shall include the projected number of students in the districts' annual estimates. School districts must be consulted regarding the types of students expected to be assigned to commitment facilities for education planning and budgeting purposes.

(2) The Department of Juvenile Justice shall notify, in writing, the Department of Education when a request for proposals is issued for the construction or operation of a commitment or detention facility anywhere in the state. The Department of Juvenile Justice shall notify, in writing, the appropriate school district when a request for proposals is issued for the construction or operation of a commitment or detention facility when a county or site is specifically identified.

(3) The Department of Juvenile Justice shall also notify the district school superintendent within 30 days after:

(a) The award of a contract for the construction or operation of a commitment or detention facility within that school district.

(b) Obtaining a permit to begin construction of a new detention or commitment facility within that school district.

Section 855. Section 1013.54, Florida Statutes, is created to read:

1013.54 Cooperative development and use of satellite facilities by private industry and district school boards.--

(1) Each district school board may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to construct, remodel, or renovate an educational facility within the industrial environment. No district school board may apply for more than one facility per year. Such request shall contain the following provisions:

(a) A detailed description of the satellite site, the site development necessary for new construction, remodeling, or renovation for the accomplishment of the project, and the facility to be constructed. The facility shall be located on a site owned by the business and leased to the district school board at no cost. However, the minimum agreement shall be for a period of at least 5 years. The amounts provided by the state and the district school board shall be considered full consideration for the lease. If the lease agreement is terminated early, the business shall reimburse the district school board an amount determined by multiplying the amounts contributed by the district school board and the state by a

fraction the numerator of which is the number of months remaining in the original agreement and the denominator of which is the total number of months of the agreement.

(b) A detailed description and analysis of the educational programs to be offered and the benefits that will accrue to the students through the instructional programs upon completion of the facility.

(c) The estimated number of full-time students whose regularly scheduled daily instructional program will utilize the facility.

(d) The estimated cost of the facility and site development not to exceed the department's average cost of new construction adjusted to the respective county cost index. If a site must be acquired, the estimated cost of the site shall be provided.

(e) A resolution or other appropriate indication of intent to participate in the funding and utilization of the educational facility from private industry. Such indication shall include a commitment by private industry to provide at least one-half of the cost of the facility. The district school board shall provide one-fourth of the cost of the facility and, if approved, the state shall provide one-fourth of the cost of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(f) The designation as to which agency is to assume responsibility for the operation, maintenance, and control of the proposed facility.

(g) Documentation by the district school board that a long-term lease for the use of the educational facility for a

period of not less than 40 years or the life expectancy of the permanent facility constructed thereon, whichever is longer, has been obtained from private industry.

(2) The commissioner shall appoint a review committee to make recommendations and prioritize requests. If the project is approved by the commissioner, the commissioner shall include up to one-fourth of the cost of the project in the legislative capital outlay budget request, as provided in s. 1013.60, for the funding of capital outlay projects involving both educational and private industry. The commissioner shall prioritize any such projects for each fiscal year and, notwithstanding the provisions of s. 1013.64(3)(c), limit the recommended state funding amount not to exceed 5 percent off the top of the total funds recommended pursuant to s. 1013.64(2) and (3).

(3) Facilities funded pursuant to this section and all existing satellite facilities shall be exempt from ad valorem taxes as long as the facility is used exclusively for public educational purposes.

Section 856. Part IV of chapter 1013, Florida Statutes, shall be entitled "Funding for Educational Facilities" and shall consist of ss. 1013.60-1013.82.

Section 857. Section 1013.60, Florida Statutes, is created to read:

1013.60 Legislative capital outlay budget request.--

(1) The Commissioner of Education shall develop a procedure deemed appropriate in arriving at the amounts required to fund projects as reflected in the integrated, comprehensive budget request required by this section. The official estimates for funds accruing to the Public Education Capital Outlay and Debt Service Trust Fund made by the revenue

estimating conference shall be used in determining the budget request pursuant to this section. The commissioner, in consultation with the appropriations committees of the Legislature, shall provide annually an estimate of funds that shall be utilized by community colleges and universities in developing their required 3-year priority lists pursuant to s. 1013.64.

(2) The commissioner shall submit to the Governor and to the Legislature an integrated, comprehensive budget request for educational facilities construction and fixed capital outlay needs for school districts, community colleges, and universities, pursuant to the provisions of s. 1013.64 and applicable provisions of chapter 216. Each community college board of trustees and each university board of trustees shall submit to the commissioner a 3-year plan and data required in the development of the annual capital outlay budget. No further disbursements shall be made from the Public Education Capital Outlay and Debt Service Trust Fund to a board of trustees that fails to timely submit the required data until such board of trustees submits the data.

(3) The commissioner shall submit an integrated, comprehensive budget request to the Executive Office of the Governor and to the Legislature each fiscal year by the submission date specified in s. 216.023(1). Notwithstanding the provisions of s. 216.043, the integrated, comprehensive budget request shall include:

(a) Recommendations for the priority of expenditure of funds in the state system of public education, with reasons for the recommended priorities, and other recommendations which relate to the effectiveness of the educational facilities construction program.

1 (b) All items in s. 1013.64.
2 Section 858. Section 1013.61, Florida Statutes, is
3 created to read:
4 1013.61 Annual capital outlay budget.--Each board
5 shall, each year, adopt a capital outlay budget for the
6 ensuing year in order that the capital outlay needs of the
7 board for the entire year may be well understood by the
8 public. This capital outlay budget shall be a part of the
9 annual budget and shall be based upon and in harmony with the
10 board's capital outlay plan. This budget shall designate the
11 proposed capital outlay expenditures by project for the year
12 from all fund sources. The board may not expend any funds on
13 any project not included in the budget, as amended. Each
14 district school board must prepare its tentative district
15 facilities work program as required by s. 1013.35 before
16 adopting the capital outlay budget.
17 Section 859. Section 1013.62, Florida Statutes, is
18 created to read:
19 1013.62 Charter schools capital outlay funding.--
20 (1) In each year in which funds are appropriated for
21 charter school capital outlay purposes, the Commissioner of
22 Education shall allocate the funds among eligible charter
23 schools. To be eligible for a funding allocation, a charter
24 school must meet the provisions of subsection (6), must have
25 received final approval from its sponsor pursuant to s.
26 1002.33 for operation during that fiscal year, and must serve
27 students in facilities that are not provided by the charter
28 school's sponsor. Prior to the release of capital outlay funds
29 to a school district on behalf of the charter school, the
30 Department of Education shall ensure that the district school
31 board and the charter school governing board enter into a

1 written agreement that includes provisions for the reversion
2 of any unencumbered funds and all equipment and property
3 purchased with public education funds to the ownership of the
4 district school board, as provided for in subsection (3), in
5 the event that the school terminates operations. Any funds
6 recovered by the state shall be deposited in the General
7 Revenue Fund. A charter school is not eligible for a funding
8 allocation if it was created by the conversion of a public
9 school and operates in facilities provided by the charter
10 school's sponsor for a nominal fee or at no charge or if it is
11 directly or indirectly operated by the school district. Unless
12 otherwise provided in the General Appropriations Act, the
13 funding allocation for each eligible charter school shall be
14 determined by multiplying the school's projected student
15 enrollment by one-fifteenth of the cost-per-student station
16 specified in s. 1013.64(6)(b) for an elementary, middle, or
17 high school, as appropriate. If the funds appropriated are not
18 sufficient, the commissioner shall prorate the available funds
19 among eligible charter schools. Funds shall be distributed on
20 the basis of the capital outlay full-time equivalent
21 membership by grade level, which shall be calculated by
22 averaging the results of the second and third enrollment
23 surveys. The Department of Education shall distribute capital
24 outlay funds monthly, beginning in the first quarter of the
25 fiscal year, based on one-twelfth of the amount the department
26 reasonably expects the charter school to receive during that
27 fiscal year. The commissioner shall adjust subsequent
28 distributions as necessary to reflect each charter school's
29 actual student enrollment as reflected in the second and third
30 enrollment surveys. The commissioner shall establish the
31 intervals and procedures for determining the projected and

actual student enrollment of eligible charter schools.

(2) A charter school's governing body may use charter school capital outlay funds for any capital outlay purpose that is directly related to the functioning of the charter school, including the:

(a) Purchase of real property.

(b) Construction, renovation, repair, and maintenance of school facilities.

(c) Purchase, lease-purchase, or lease of permanent or relocatable school facilities.

(d) Purchase of vehicles to transport students to and from the charter school.

(3) When a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 1002.33(8)(e) and (f). In the case of a charter lab school, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall be agreed to in the charter contract prior to the expenditure of funds.

(4) The Commissioner of Education shall specify

procedures for submitting and approving requests for funding under this section and procedures for documenting expenditures.

(5) The annual legislative budget request of the Department of Education shall include a request for capital outlay funding for charter schools. The request shall be based on the projected number of students to be served in charter schools who meet the eligibility requirements of this section. A dedicated funding source, if identified in writing by the Commissioner of Education and submitted along with the annual charter school legislative budget request, may be considered an additional source of funding.

(6) Unless authorized otherwise by the Legislature, allocation and proration of charter school capital outlay funds shall be made to eligible charter schools by the Commissioner of Education in an amount and in a manner authorized by subsection (1).

Section 860. Section 1013.63, Florida Statutes, is created to read:

1013.63 University Concurrency Trust Fund.--Notwithstanding any other provision of law, the general revenue service charge deducted pursuant to s. 215.20 on revenues raised by any local option motor fuel tax levied pursuant to s. 336.025(1)(b), as created by chapter 93-206, Laws of Florida, shall be deposited in the University Concurrency Trust Fund, which is administered by the State Board of Education. Moneys in such trust fund shall be for the purpose of funding university offsite improvements required to meet concurrency standards adopted under part II of chapter 163. In addition, in any year in which campus master plans are updated pursuant to s. 1013.30, but no more frequently than

once every 5 years, up to 25 percent of the balance in the trust fund for that year may be used to defray the costs incurred in updating those campus master plans.

Section 861. Section 1013.64, Florida Statutes, is created to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.--Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(1)(a) Funds for remodeling, renovation, maintenance, repairs, and site improvement for existing satisfactory facilities shall be given priority consideration by the Legislature for appropriations allocated to the boards from the total amount of the Public Education Capital Outlay and Debt Service Trust Fund appropriated. These funds shall be calculated pursuant to the following basic formula: the building value times the building age over the sum of the years' digits assuming a 50-year building life. For relocatable facilities, a 20-year life shall be used. "Building value" is calculated by multiplying each building's total assignable square feet times the appropriate net-to-gross conversion rate found in state board rules and that product times the current average new construction cost. "Building age" is calculated by multiplying the prior year's building age times 1 minus the prior year's sum received from this subsection divided by the prior year's building value. To the net result shall be added the number 1. Each board shall receive the percentage generated by the preceding formula of the total amount appropriated for the purposes of this section.

(b) Each board is prohibited from using the funds received pursuant to this section to supplant funds in the current fiscal year approved operating budget, and all budgeted funds shall be expended at a rate not less than would have been expended had the funds under this section not been received.

(c) Each remodeling, renovation, maintenance, repair, or site improvement project will expand or upgrade current educational plants to prolong the useful life of the plant.

(d) Each board shall maintain fund accounting in a manner which will permit a detailed audit of the funds expended in this program.

(e) Remodeling projects shall be based on the recommendations of a survey pursuant to s. 1013.31.

(f) At least one-tenth of a board's annual allocation provided under this section shall be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities, as required by s. 1013.12, or a lesser amount sufficient to correct all deficiencies cited in its annual comprehensive safety inspection reports. This paragraph shall not be construed to limit the amount a board may expend to correct such deficiencies.

(g) When an existing educational plant is determined to be unsatisfactory pursuant to the survey conducted under s. 1013.31, the board may, by resolution, designate the plant as a historic educational facility and may use funds generated for renovation and remodeling pursuant to this section to restore the facility for use by the board. The board shall agree to pay renovation and remodeling costs in excess of funds which such facility would have generated through the depreciation formula in paragraph (a) had the facility been

determined to be satisfactory. The board shall further agree that the plant shall continue to house students. The board may designate a plant as a historic educational facility only if the Division of Historical Resources of the Department of State or the appropriate historic preservation board under chapter 266 certifies that:

1. The plant is listed or determined eligible for listing in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 U.S.C. s. 470;

2. The plant is designated historic within a certified local district pursuant to s. 48(g)(3)(B)(ii) of the Internal Revenue Code; or

3. The division or historic preservation board otherwise finds that the plant is historically significant.

(h) University boards of trustees may utilize funds appropriated pursuant to this section for replacement of minor facilities provided that such projects do not exceed $1 million in cost or 10,000 gross square feet in size. Minor facilities may not be replaced from funds provided pursuant to this section unless the board determines that the cost of repair or renovation is greater than or equal to the cost of replacement.

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the "Special Facility Construction Account." The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably

anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. No district shall receive funding for more than one approved project in any 3-year period. The first year of the 3-year period shall be the first year a district receives an appropriation. The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Prior to developing plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the committee to include two representatives of the department and two staff from school districts not eligible to participate in the program. Within 60 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district's pattern of student growth; the district's existing and projected capital outlay full-time equivalent student enrollment as determined by the department;

the district's existing satisfactory student stations; the use of all existing district property and facilities; grade level configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or surveys by the district under the rules of the State Board of Education.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6).

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. The district shall, at the time of the request and for a continuing period of 3 years, levy the maximum millage against their nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue

from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1.5 mills per year to the project to satisfy the annual participation requirement in the Special Facility Construction Account.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its 3-year commitment of all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

12. Final phase III plans must be certified by the board as complete and in compliance with the building and life safety codes prior to August 1.

(b) The Special Facility Construction Committee shall be composed of the following: two representatives of the Department of Education, a representative from the Governor's office, a representative selected annually by the district school boards, and a representative selected annually by the superintendents.

1 (c) The committee shall review the requests submitted
2 from the districts, evaluate the ability of the project to
3 relieve critical needs, and rank the requests in priority
4 order. This statewide priority list for special facilities
5 construction shall be submitted to the Legislature in the
6 commissioner's annual capital outlay legislative budget
7 request at least 45 days prior to the legislative session.
8 (3)(a) Each district school board shall receive an
9 amount from the Public Education Capital Outlay and Debt
10 Service Trust Fund to be calculated by computing the capital
11 outlay full-time equivalent membership as determined by the
12 department. Such membership must include, but is not limited
13 to:
14 1. K-12 students, except hospital and homebound
15 part-time students; and
16 2. Students who are career and technical education
17 students, and adult disabled students and who are enrolled in
18 school district technical centers. The capital outlay
19 full-time equivalent membership shall be determined for
20 kindergarten through the 12th grade and for technical centers
21 by averaging the unweighted full-time equivalent student
22 membership for the second and third surveys and comparing the
23 results on a school-by-school basis with the Florida Inventory
24 for School Houses. The capital outlay full-time equivalent
25 membership by grade level organization shall be used in making
26 the following calculations: The capital outlay full-time
27 equivalent membership by grade level organization for the 4th
28 prior year must be used to compute the base-year allocation.
29 The capital outlay full-time equivalent membership by
30 grade-level organization for the prior year must be used to
31 compute the growth over the highest of the 3 years preceding

the prior year. From the total amount appropriated by the Legislature pursuant to this subsection, 40 percent shall be allocated among the base capital outlay full-time equivalent membership and 60 percent among the growth capital outlay full-time equivalent membership. The allocation within each of these groups shall be prorated to the districts based upon each district's percentage of base and growth capital outlay full-time membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation.

(b) Funds accruing to a district school board from the provisions of this section shall be expended on needed projects as shown by survey or surveys under the rules of the State Board of Education.

(c) A district school board may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds and for any time period using local capital outlay millage.

(d) Funds distributed to the district school boards shall be allocated solely based on the provisions of paragraphs (1)(a) and (2)(a) and paragraph (a) of this

subsection. No individual school district projects shall be funded off the top of funds allocated to district school boards.

(4)(a) Community college boards of trustees and university boards of trustees shall receive funds for projects based on a 3-year priority list, to be updated annually, which is submitted to the Legislature in the legislative budget request at least 90 days prior to the legislative session. The State Board of Education shall submit a 3-year priority list for community colleges and a 3-year priority list for universities. The lists shall reflect decisions by the State Board of Education concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No remodeling or renovation project shall be included on the 3-year priority list unless the project has been recommended pursuant to s. 1013.31 or is for the purpose of correcting health and safety deficiencies. No new construction project shall be included on the first year of the 3-year priority list unless the educational specifications have been approved by the commissioner for a community college or university project, as applicable. The funds requested for a new construction project in the first year of the 3-year priority list shall be in conformance with the scope of the project as defined in the educational specifications. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature shall be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change shall be included with the updated priority list.

(b) Community college boards of trustees and university boards of trustees may lease relocatable educational facilities for up to 3 years using nonbonded PECO funds.

(c) Community college boards of trustees and university boards of trustees shall receive funds for remodeling, renovation, maintenance and repairs, and site improvement for existing satisfactory facilities pursuant to subsection (1).

(5) District school boards shall identify each fund source and the use of each proportionate to the project cost, as identified in the bid document, to assure compliance with this section. The data shall be submitted to the department, which shall track this information as submitted by the boards. PECO funds shall not be expended as indicated in the following:

(a) District school boards shall provide landscaping by local funding sources or initiatives. District school boards are exempt from local landscape ordinances but may comply with the local requirements if such compliance is less costly than compliance with the landscape requirements of the Florida Building Code for public educational facilities.

(b) PECO funds shall not be used for the construction of football fields, bleachers, site lighting for athletic facilities, tennis courts, stadiums, racquetball courts, or any other competition-type facilities not required for physical education curriculum. Regional or intradistrict football stadiums may be constructed with these funds provided a minimum of two high schools and two middle schools are assigned to the facility and the stadiums are survey recommended. Sophisticated auditoria shall be limited to

magnet performing arts schools, with all other schools using basic lighting and sound systems as determined by rule. Local funds shall be used for enhancement of athletic and performing arts facilities.

(6)(a) Each district school board must meet all educational plant space needs of its elementary, middle, and high schools before spending funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any ancillary plant or any other new construction, renovation, or remodeling of ancillary space. Expenditures to meet such space needs may include expenditures for site acquisition; new construction of educational plants; renovation, remodeling, and maintenance and repair of existing educational plants, including auxiliary facilities; and the directly related costs of such services of school district personnel. It is not the intent of the Legislature to preclude the use of capital outlay funding for the labor costs necessary to accomplish the authorized uses for the capital outlay funding. Day-labor contracts or any other educational facilities contracting and construction techniques pursuant to s. 1013.45 are authorized. Additionally, if a school district has salaried maintenance staff whose duties consist solely of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, such funding may be used for those salaries; however, if a school district has salaried staff whose duties consist partially of performing the labor necessary to accomplish the authorized uses for the capital outlay funding, the district shall prorate the portion of salary of each such employee that is based on labor for authorized capital outlay

1 funding, and such funding may be used to pay that portion.
2 (b)1. A district school board must not use funds from
3 the Public Education Capital Outlay and Debt Service Trust
4 Fund or the School District and Community College District
5 Capital Outlay and Debt Service Trust Fund for any new
6 construction of educational plant space with a total cost per
7 student station, including change orders, that equals more
8 than:
9 a. $11,600 for an elementary school,
10 b. $13,300 for a middle school, or
11 c. $17,600 for a high school,
12
13 (1997) as adjusted annually by the Consumer Price Index.
14 2. A district school board must not use funds from the
15 Public Education Capital Outlay and Debt Service Trust Fund or
16 the School District and Community College District Capital
17 Outlay and Debt Service Trust Fund for any new construction of
18 an ancillary plant that exceeds 70 percent of the average cost
19 per square foot of new construction for all schools.
20 (c) Except as otherwise provided, new construction
21 initiated by a district school board after June 30, 1997, must
22 not exceed the cost per student station as provided in
23 paragraph (b).
24 (d) The department shall compute for each calendar
25 year the statewide average construction costs for facilities
26 serving each instructional level, for relocatable educational
27 facilities, for administrative facilities, and for other
28 ancillary and auxiliary facilities. The department shall
29 compute the statewide average costs per student station for
30 each instructional level. Cost per student station includes
31 contract costs, legal and administrative costs, fees of

architects and engineers, furniture and equipment, and site improvement costs. Cost per student station does not include the cost of purchasing or leasing the site for the construction or the cost of related offsite improvements.

(e) The restrictions of this subsection on the cost per student station of new construction do not apply to a project funded entirely from proceeds received by districts through provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the State Constitution, if the school board approves the project by majority vote.

Section 862. Section 1013.65, Florida Statutes, is created to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.--

(1) The commissioner, through the department, shall administer the Public Education Capital Outlay and Debt Service Trust Fund. The commissioner shall allocate or reallocate funds as authorized by the Legislature. Copies of each allocation or reallocation shall be provided to members of the State Board of Education and to the chairs of the House of Representatives and Senate appropriations committees. The commissioner shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of public education capital outlay bonds pursuant to s. 9(a)(2), Art. XII of the State Constitution, s. 215.61, and other applicable law. The commissioner shall provide for the timely disbursement of moneys necessary to meet the encumbrance authorizations of the boards. Records shall be maintained by

the department to identify legislative appropriations, allocations, encumbrance authorizations, disbursements, transfers, investments, sinking funds, and revenue receipts by source. The Department of Education shall pay the administrative costs of the Public Education Capital Outlay and Debt Service Trust Fund from the funds which comprise the trust fund.

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

(b) Any funds required by law to be segregated or maintained in separate accounts shall be segregated or maintained in such manner that the relationship between program and revenue source is retained. Nothing in this subsection shall be construed so as to limit the use by the Public Education Capital Outlay and Debt Service Trust Fund of the resources of funds so segregated or maintained.

(3) Upon the request of each board, the department shall distribute to the board an amount sufficient to cover capital outlay disbursements anticipated from encumbrance authorizations for the following month. For projects costing in excess of $50,000, contracts shall be approved and signed

before any disbursements are authorized.

(4) The department may authorize each board to enter into contracts for a period exceeding 1 year, within amounts appropriated and budgeted for fixed capital outlay needs; but any contract so made shall be executory only for the value of the services to be rendered, or agreed to be paid for, in succeeding fiscal years. This subsection shall be incorporated verbatim in all executory contracts of a board.

(5) No board shall, during any fiscal year, expend any money, incur any liability, or enter into any contract which, by its terms, involves expenditure of money in excess of the amounts appropriated and budgeted or in excess of the cash that will be available to meet the disbursement requirements. Prior to entering into an executory, or any other, contract, a board shall obtain certification from the department that moneys will be available to meet the disbursement requirements. Any contract, verbal or written, made in violation of this subsection shall be null and void, and no payment shall be made thereon.

(6) The State Board of Administration is authorized to invest the trust funds of any state-supported retirement system, and any other state funds available for loans, to the trust fund at a rate of interest that is no less favorable than would have been received had such moneys been invested in accordance with authorized practices.

(7) Boards and entities authorized to participate in the trust fund are district school boards, the community college boards of trustees, the Trustees of the Florida School for the Deaf and the Blind, and university boards of trustees and other units of the state system of public education, and other educational entities for which funds are authorized by

the Legislature.

(8) The department shall make a monthly report, by project, of requests for encumbrance authorization from each agency. Each project shall be tracked in the following manner:

(a) The date the request is received;

(b) The anticipated encumbrance date requested by the agency;

(c) The date the project is eligible for encumbrance authorization; and

(d) The date the encumbrance authorization is issued.

(9) The department shall make a monthly report:

(a) Showing the amount of cash disbursed to the agency from each appropriated allocation and the amount of cash disbursed by the agency to vendors or contractors from each appropriated allocation, by month.

(b) Showing updated adjustments to the budget fiscal year forecast for appropriations, encumbrances, disbursements, and cash available for encumbrance status.

Section 863. Section 1013.66, Florida Statutes, is created to read:

1013.66 Financing of approved capital projects.--

(1) Capital projects are to be financed in accordance with s. 9(a)(2), Art. XII of the State Constitution, as amended, or from other legally available state funds or grants, donations, or matching funds, or by a combination of such funds.

(2) The sum designated annually by the Legislature is the maximum sum to be expended from funds accruing under s. 9(a)(2), Art. XII of the State Constitution, as amended, and from funds accruing under s. 1013.65(2). However, funds appropriated from this source and remaining unexpended from

previously authorized capital projects, along with grants, donations, and matching funds from other sources, may be added to such maximum sums for any item or category.

(3) No transfers between appropriations shall be made without prior approval under the provisions of chapter 216.

(4) To the extent that appropriations authority for entitlements from previous years was used for advanced funding, that authority is hereby restored to the projects for which appropriations were made by the Legislature in those previous years.

Section 864. Section 1013.67, Florida Statutes, is created to read:

1013.67 Commissioner to provide for encumbrances of funds.--The Commissioner of Education shall provide for timely encumbrances of funds for duly authorized projects. Encumbrances may include proceeds to be received under a resolution approved by the State Board of Education authorizing the issuance of 1997 school capital outlay bonds pursuant to s. 11(d), Art. VII of the State Constitution, s. 1013.70, and other applicable law.

Section 865. Section 1013.68, Florida Statutes, is created to read:

1013.68 Classrooms First Program; uses.--

(1) The Commissioner of Education shall allocate funds appropriated for the Classrooms First Program among the district school boards. It is the intent of the Legislature that this program be administered as nearly as practicable in the same manner as the capital outlay program authorized under s. 9(d), Art. XII of the State Constitution. Each district school board's share of the annual appropriation for the Classrooms First Program must be calculated according to the

following formula, but the share of each district shall, at a minimum, be at least equal to the amount required for all payments of the district relating to bonds issued by the state on its behalf:

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

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a).

(2) A district school board shall expend the funds received pursuant to this section only to:

(a) Construct, renovate, remodel, repair, or maintain educational facilities; or

(b) Pay debt service on bonds issued pursuant to this section, the proceeds of which must be expended for new construction, remodeling, renovation, and major repairs. Bond proceeds shall be expended first for providing permanent classroom facilities. Bond proceeds shall not be expended for any other facilities until all unmet needs for permanent classrooms and auxiliary facilities as defined in s. 1013.01 have been satisfied.

However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, major repair, or remodeling of existing schools, except that

1 districts with fewer than 10,000 full-time equivalent students
2 are exempt from this requirement.
3 (3) Each district school board that pledges moneys
4 under paragraph (2)(b) shall notify the Department of
5 Education of its election at a time set by the department. The
6 Department of Education shall review the proposal of each
7 district school board for compliance with this section and
8 shall forward all approved proposals to the Division of Bond
9 Finance with a request to issue bonds on behalf of the
10 approved school districts. The Division of Bond Finance shall
11 pool the pledges from all school districts making the election
12 in that year and shall issue the bonds on behalf of the
13 districts for a period not to exceed the distributions to be
14 received under s. 24.121(2). The bonds must be issued in
15 accordance with s. 11(d), Art. VII of the State Constitution,
16 and each project to be constructed with the proceeds of bonds
17 is hereby approved as provided in s. 11(f), Art. VII of the
18 State Constitution. The bonds shall be issued pursuant to the
19 State Bond Act to the extent not inconsistent with this
20 section.
21 (4) Bonds issued under this section must be validated
22 as prescribed by chapter 75. The complaint for the validation
23 must be filed in the circuit court of the county where the
24 seat of state government is situated; the notice required to
25 be published by s. 75.06 must be published only in the county
26 where the complaint is filed; and the complaint and order of
27 the circuit court must be served only on the state attorney of
28 the circuit in which the action is pending. The state
29 covenants with holders of bonds issued under this section that
30 it will not take any action that will materially and adversely
31 affect the rights of such holders so long as such bonds are

outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs, video gaming, or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(5) A school district may only receive a distribution for use pursuant to paragraph (2)(a) if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds pursuant to paragraph (2)(b). If the district does not require its full bonded distribution to eliminate such unmet need, it may bond only that portion of its allocation necessary to meet the needs.

Section 866. Section 1013.69, Florida Statutes, is created to read:

1013.69 Full bonding required to participate in programs.--Any district with unused bonding capacity in its Capital Outlay and Debt Service Trust Fund allocation that certifies in its district facilities work program that it will not be able to meet all of its need for new student stations within existing revenues must fully bond its Capital Outlay and Debt Service Trust Fund allocation before it may participate in Classrooms First, the School Infrastructure Thrift (SIT) Program, or the Effort Index Grants Program.

Section 867. Section 1013.70, Florida Statutes, is created to read:

1013.70 The 1997 School Capital Outlay Bond

Program.--There is hereby established the 1997 School Capital Outlay Bond Program.

(1) The issuance of revenue bonds payable from the first lottery revenues transferred to the Educational Enhancement Trust Fund each fiscal year, as provided by s. 24.121(2), is authorized to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities. Such bonds shall be issued pursuant to and in compliance with the provisions of s. 11(d), Art. VII of the State Constitution, the provisions of the State Bond Act, ss. 215.57-215.83, as amended, and the provisions of this section. The state does hereby covenant with the holders of such revenue bonds that it will not take any action which will materially and adversely affect the rights of such holders so long as bonds authorized by this section are outstanding. The state does hereby additionally authorize the establishment of a covenant in connection with the bonds which provides that any additional funds received by the state from new or enhanced lottery programs, video gaming, or other similar activities will first be available for payments relating to bonds pledging revenues available pursuant to s. 24.121(2), prior to use for any other purpose.

(2) The bonds shall be issued by the Division of Bond Finance of the State Board of Administration on behalf of the Department of Education in such amount as shall be requested by resolution of the State Board of Education. However, debt service and other amounts payable with respect to the bonds issued pursuant to this section shall not exceed $35 million in any state fiscal year.

(3) Proceeds available from bond sales shall be deposited in the Educational Enhancement Trust Fund within the

Department of Education.

(4) The facilities to be financed with the proceeds of such bonds are designated as state fixed capital outlay projects for purposes of s. 11(d), Art. VII of the State Constitution and the specific facilities to be financed shall be determined by the Department of Education in accordance with state law and appropriations from the Educational Enhancement Trust Fund. Each educational facility to be financed with the proceeds of the bonds issued pursuant to this section is hereby approved as required by s. 11(f), Art. VII of the State Constitution.

(5) Bonds issued pursuant to this section shall be validated in the manner provided by chapter 75. The complaint for such validation shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending.

Section 868. Section 1013.71, Florida Statutes, is created to read:

1013.71 Lottery Capital Outlay and Debt Service Trust Fund.--

(1)(a) The Lottery Capital Outlay and Debt Service Trust Fund is hereby created, to be administered by the Department of Education. Funds shall be credited to the trust fund from legislative appropriations and interest earnings. The purpose of the trust fund is to maintain and account for lottery funds appropriated for fixed capital outlay and debt service separately from lottery funds appropriated for current

operations.

(b) Notwithstanding the provisions of s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund and shall be available for carrying out the purposes of the trust fund.

(2) Lottery funds appropriated for fixed capital outlay and debt service, along with any interest earned thereon, shall be transferred from the Educational Enhancement Trust Fund to the Lottery Capital Outlay and Debt Service Trust Fund.

(3) Pursuant to the provisions of s. 19(f)(3), Art. III of the State Constitution, the trust fund is not subject to termination under s. 19(f)(2), Art. III of the State Constitution.

Section 869. Section 1013.72, Florida Statutes, is created to read:

1013.72 SIT Program award eligibility; maximum cost per student station of educational facilities; frugality incentives; recognition awards.--

(1) It is the intent of the Legislature that district school boards that seek awards of SIT Program funds use due diligence and sound business practices in the design, construction, and use of educational facilities.

(2) A school district may seek an award from the SIT Program, pursuant to this section and s. 1013.42, based on the district's new construction of educational facilities if the cost per student station is less than:

(a) $11,600 for an elementary school,

(b) $13,300 for a middle school, or

(c) $17,600 for a high school,

1

2 (1997) as adjusted annually by the Consumer Price Index. The
3 award shall be up to 50 percent of such savings, as
4 recommended by the Office of Educational Facilities and SMART
5 Schools Clearinghouse.
6 (3) A school district may seek a SMART school of the
7 year recognition award for building the highest quality
8 functional, frugal school. The commissioner may present a
9 trophy or plaque and a cash award to the school recommended by
10 the Office of Educational Facilities and SMART Schools
11 Clearinghouse for a SMART school of the year recognition
12 award.
13 Section 870. Section 1013.73, Florida Statutes, is
14 created to read:
15 1013.73 Effort index grants for school district
16 facilities.--
17 (1) The Legislature hereby allocates for effort index
18 grants the sum of $300 million from the funds appropriated
19 from the Educational Enhancement Trust Fund by s. 46, chapter
20 97-384, Laws of Florida, contingent upon the sale of school
21 capital outlay bonds. From these funds, the Commissioner of
22 Education shall allocate to the four school districts deemed
23 eligible for an effort index grant by the SMART Schools
24 Clearinghouse the sums of $7,442,890 to the Clay County School
25 District, $62,755,920 to the Dade County School District,
26 $1,628,590 to the Hendry County School District, and $414,950
27 to the Madison County School District. The remaining funds
28 shall be allocated among the remaining district school boards
29 that qualify for an effort index grant by meeting the local
30 capital outlay effort criteria in paragraph (a) or paragraph
31 (b).

(a) Between July 1, 1995, and June 30, 1999, the school district received direct proceeds from the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(6) or from the local government infrastructure sales surtax authorized by s. 212.055(2).

(b) The school district met two of the following criteria:

1. Levied the full 2 mills of nonvoted discretionary capital outlay authorized by s. 1011.71(2) during 1995-1996, 1996-1997, 1997-1998, and 1998-1999.

2. Levied a cumulative voted millage for capital outlay and debt service equal to 2.5 mills for fiscal years 1995 through 1999.

3. Received proceeds of school impact fees greater than $500 per dwelling unit which were in effect on July 1, 1998.

4. Received direct proceeds from either the one-half-cent sales surtax for public school capital outlay authorized by s. 212.055(6) or from the local government infrastructure sales surtax authorized by s. 212.055(2).

(2) It is the intent of the Legislature that this program be administered as nearly as is practicable in the same manner as the capital outlay program authorized under s. 9(d), Art. XII of the State Constitution. Each district school board's share of the appropriation for the effort index grants must be calculated according to the following formula using the same basis as the Classrooms First allocation formula, but the share of each district shall, at a minimum, be at least equal to the amount required for all payments of the district relating to bonds issued by the state on its behalf:

(a) Twenty-five percent of the appropriation shall be

prorated to the districts based on each district's percentage of base capital outlay full-time-equivalent membership; and 65 percent shall be based on each district's percentage of growth capital outlay full-time-equivalent membership as specified for the allocation of funds from the Public Education Capital Outlay and Debt Service Trust Fund by s. 1013.64(3).

(b) Ten percent of the appropriation must be allocated among district school boards according to the allocation formula in s. 1013.64(1)(a).

(3) A district school board shall expend the funds received under this section only to:

(a) Construct, renovate, remodel, repair, or maintain educational facilities; or

(b) Pay debt service on bonds issued under this section, the proceeds of which must be expended for new construction, remodeling, renovation, and major repairs. Bond proceeds shall be expended first for providing permanent classroom facilities and related auxiliary facilities. Bond proceeds may not be expended for any other facilities until all unmet needs for permanent classrooms and auxiliary facilities as defined in s. 1013.01 have been satisfied.

However, if more than 9 percent of a district's total square feet is more than 50 years old, the district must spend at least 25 percent of its allocation on the renovation, major repair, or remodeling of existing schools, except that districts having fewer than 10,000 full-time equivalent students are exempt from this requirement.

(4) Each district school board that pledges moneys under paragraph (3)(b) shall notify the Department of Education of its election at a time set by the department. The

Department of Education shall review the proposal of each district school board for compliance with this section and shall forward all approved proposals to the Division of Bond Finance with a request to issue bonds on behalf of the approved school districts.

(5) A district school board that chooses to pledge allocations from the Classrooms First Program for the issuance of bonds must encumber those bond proceeds before pledging funds for the payment of debt service on bonds issued pursuant to this section.

(6) A school district may receive a distribution for use pursuant to paragraph (3)(a) only if the district school board certifies to the Commissioner of Education that the district has no unmet need for permanent classroom facilities in its 5-year capital outlay work plan. If the work plan contains such unmet needs, the district must use its distribution for the payment of bonds under paragraph (2)(b). If the district does not require its full bonded distribution to eliminate such unmet needs, it may bond only that portion of its allocation necessary to meet the needs.

Section 871. Section 1013.74, Florida Statutes, is created to read:

1013.74 University authorization for fixed capital outlay projects.--

(1) Notwithstanding the provisions of chapter 216, including s. 216.351, a university may accomplish fixed capital outlay projects consistent with the provisions of this section. Projects authorized by this section shall not require educational plant survey approval as prescribed in chapter 235.

(2) The following types of projects may be

accomplished pursuant to this section:

(a) Construction of any new buildings, or remodeling of existing buildings, when funded from nonstate sources such as federal grant funds, private gifts, grants, or lease arrangements if such grants or gifts are given for the specific purpose of construction;

(b) The replacement of any buildings destroyed by fire or other calamity;

(c) Construction of projects financed as provided in ss. 1010.60-1010.619 or 1013.71;

(d) Construction of new facilities or remodeling of existing facilities to meet needs for research, provided that such projects are financed pursuant to s. 1004.22; or

(e) Construction of facilities or remodeling of existing facilities to meet needs as determined by the university, provided that the amount of funds for any such project does not exceed $1 million, and the trust funds, other than the funds used to accomplish projects contemplated in this subsection, are authorized and available for such purposes.

(3) Other than those projects currently authorized, no project proposed by a university which is to be funded from Capital Improvement Trust Fund fees or building fees shall be submitted to the State Board of Education for approval without prior consultation with the student government association of that university. The State Board of Education shall promulgate rules which are consistent with this requirement.

(4) The university board of trustees shall, in consultation with local and state emergency management agencies, assess existing facilities to identify the extent to which each campus has public hurricane evacuation shelter

space. The board shall submit to the Governor and the Legislature by August 1 of each year a 5-year capital improvements program that identifies new or retrofitted facilities that will incorporate enhanced hurricane resistance standards and that can be used as public hurricane evacuation shelters. Enhanced hurricane resistance standards include fixed passive protection for window and door applications to provide mitigation protection, security protection with egress, and energy efficiencies that meet standards required in the 130-mile-per-hour wind zone areas. The board must also submit proposed facility retrofit projects to the Department of Community Affairs for assessment and inclusion in the annual report prepared in accordance with s. 252.385(3). Until a regional planning council region in which a campus is located has sufficient public hurricane evacuation shelter space, any campus building for which a design contract is entered into subsequent to July 1, 2001, and which has been identified by the board, with the concurrence of the local emergency management agency or the Department of Community Affairs, to be appropriate for use as a public hurricane evacuation shelter, must be constructed in accordance with public shelter standards.

Section 872. Section 1013.75, Florida Statutes, is created to read:

1013.75 Cooperative funding of career and technical educational facilities.--

(1) Each district school board operating a designated technical center may submit, prior to August 1 of each year, a request to the commissioner for funds from the Public Education Capital Outlay and Debt Service Trust Fund to plan, construct, and equip a career and technical educational

facility identified as being critical to the economic development and the workforce needs of the school district. Prior to submitting a request, each school district shall:

(a) Adopt and submit to the commissioner a resolution indicating its commitment to fund the planning, construction, and equipping of the proposed facility at 40 percent of the requested project amount. The resolution shall also designate the locale of the proposed facility. If funds from a private or noneducational public entity are to be committed to the project, then a joint resolution shall be required.

(b) Except as provided in paragraph (5)(b), levy the maximum millage against the nonexempt assessed property value as provided in s. 1011.71(2).

(c) Certify to the Office of Workforce and Economic Development that the project has been survey recommended.

(d) Certify to the Office of Workforce and Economic Development that final phase III construction documents comply with applicable building codes and life safety codes.

(e) Sign an agreement that the district school board shall advertise for bids within 90 days of receiving an encumbrance authorization from the department.

(f) If a construction contract has not been signed 90 days after the advertising of bids, certify to the Office of Workforce and Economic Development and the department the cause for delay. Upon request, an additional 90 days may be granted by the commissioner.

(2) The Office of Workforce and Economic Development shall establish the need for additional career and technical education programs and the continuation of existing programs before facility construction or renovation related to career and technical education can be included in the educational

plant survey. Information used by the Office of Workforce and Economic Development to establish facility needs shall include, but not be limited to, labor market needs analysis and information submitted by the school districts.

(3) The total cost of the proposed facility shall be determined by the district school board using established state board averages for determining new construction cost.

(4)(a) A career and technical education construction committee shall be composed of the following: three representatives from the Department of Education and one representative from the Executive Office of the Governor.

(b) The committee shall review and evaluate the requests submitted from the school districts and rank the requests in priority order in accordance with statewide critical needs. This statewide priority list shall be submitted to the commissioner.

(c) The commissioner's legislative capital outlay budget request may include up to 2 percent of the new construction allocation to public schools for career and technical capital outlay projects recommended by the career and technical education construction committee.

(5)(a) Upon approval of a project, the commissioner shall include up to 60 percent of the total cost of the project in the legislative capital outlay budget request as provided in s. 1013.60 for educational plants. The participating district school board shall provide 40 percent of the total cost of the project. When practical, the district school board shall solicit and encourage a private or noneducational public entity to commit to finance a portion of the funds to complete the planning, construction, and equipping of the facility. If a site does not exist, the

purchase price or, if donated, the assessed value of a site may be included in meeting the funding requirements of the district school board, a private or noneducational public entity, or the educational agency. The value of existing sites, intended to satisfy any portion of the funding requirement of a private or noneducational public entity, shall be determined by an independent appraiser under contract with the board. The size of the site to adequately provide for the implementation of the proposed educational programs shall be determined by the board. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(b) In the event that a school district is not levying the maximum millage against the nonexempt assessed property value pursuant to paragraph (1)(b), state and school district funding pursuant to paragraph (a) shall be reduced by the same proportion as the millage actually being levied bears to the maximum allowable millage.

Section 873. Section 1013.76, Florida Statutes, is created to read:

1013.76 Multiyear capital improvement contracts.--Any provision of chapters 1010 and 1011 to the contrary notwithstanding, school districts are authorized to award capital improvement contracts involving expenditures to be incurred for a period of more than 1 year on the basis of voter-authorized and unissued general obligation bonding authority, provided that sufficient funds are available to, and budgeted by, the school district to pay actual disbursements during any fiscal year.

Section 874. Section 1013.78, Florida Statutes, is

created to read:

1013.78 Approval required for certain university-related facility acquisitions.--

(1) No university or university direct-support organization shall construct, accept, or purchase facilities for which the state will be asked for operating funds unless there has been prior approval for construction or acquisition granted by the Legislature.

(2) Legislative approval shall not be required for renovations, remodeling, replacement of existing facilities or construction of minor projects as defined in s. 1013.64.

Section 875. Section 1013.79, Florida Statutes, is created to read:

1013.79 University Facility Enhancement Challenge Grant Program.--

(1) The Legislature recognizes that the universities do not have sufficient physical facilities to meet the current demands of their instructional and research programs. It further recognizes that, to strengthen and enhance universities, it is necessary to provide facilities in addition to those currently available from existing revenue sources. It further recognizes that there are sources of private support that, if matched with state support, can assist in constructing much-needed facilities and strengthen the commitment of citizens and organizations in promoting excellence throughout the state universities. Therefore, it is the intent of the Legislature to establish a trust fund to provide the opportunity for each university to receive and match challenge grants for instructional and research-related capital facilities within the university.

(2) There is hereby established the Alec P. Courtelis

University Facility Enhancement Challenge Grant Program for the purpose of assisting universities build high priority instructional and research-related capital facilities, including common areas connecting such facilities. The associated foundations that serve the universities shall solicit gifts from private sources to provide matching funds for capital facilities. For the purposes of this act, private sources of funds shall not include any federal, state, or local government funds that a university may receive.

(3) There is established the Alec P. Courtelis Capital Facilities Matching Trust Fund for the purpose of providing matching funds from private contributions for the development of high priority instructional and research-related capital facilities, including common areas connecting such facilities, within a university. The Legislature shall appropriate funds to be transferred to the trust fund. The Public Education Capital Outlay and Debt Service Trust Fund, Capital Improvement Trust Fund, Division of Sponsored Research Trust Fund, and Contracts and Grants Trust Fund shall not be used as the source of the state match for private contributions. All appropriated funds deposited into the trust fund shall be invested pursuant to the provisions of s. 18.125. Interest income accruing to that portion of the trust fund shall increase the total funds available for the challenge grant program. Interest income accruing from the private donations shall be returned to the participating foundation upon completion of the project. The State Board of Education shall administer the trust fund and all related construction activities.

(4) No project shall be initiated unless all private funds for planning, construction, and equipping the facility

have been received and deposited in the trust fund and the state's share for the minimum amount of funds needed to begin the project has been appropriated by the Legislature. The Legislature may appropriate the state's matching funds in one or more fiscal years for the planning, construction, and equipping of an eligible facility. However, these requirements shall not preclude the university from expending available funds from private sources to develop a prospectus, including preliminary architectural schematics and/or models, for use in its efforts to raise private funds for a facility. Additionally, any private sources of funds expended for this purpose are eligible for state matching funds should the project materialize as provided for in this section.

(5) To be eligible to participate in the Alec P. Courtelis Capital Facilities Matching Trust Fund, a university shall raise a contribution equal to one-half of the total cost of a facilities construction project from private nongovernmental sources which shall be matched by a state appropriation equal to the amount raised for a facilities construction project subject to the General Appropriations Act.

(6) If the state's share of the required match is insufficient to meet the requirements of subsection (5), the university shall renegotiate the terms of the contribution with the donors. If the project is terminated, each private donation, plus accrued interest, reverts to the foundation for remittance to the donor.

(7) By September 1 of each year, the State Board of Education shall transmit to the Legislature a list of projects which meet all eligibility requirements to participate in the Alec P. Courtelis Capital Facilities Matching Trust Fund and a

budget request which includes the recommended schedule necessary to complete each project.

(8) In order for a project to be eligible under this program, it must be included in the university 5-year Capital Improvement Plan and must receive prior approval from the State Board of Education and the Legislature.

(9) No university's project shall be removed from the approved 3-year PECO priority list because of its successful participation in this program until approved by the Legislature and provided for in the General Appropriations Act. When such a project is completed and removed from the list, all other projects shall move up on the 3-year PECO priority list. A university shall not use PECO funds, including the Capital Improvement Trust Fund fee and the building fee, to complete a project under this section.

(10) Any project funds that are unexpended after a project is completed shall revert to the Capital Facilities Matching Trust Fund. Fifty percent of such unexpended funds shall be reserved for the university which originally received the private contribution for the purpose of providing private matching funds for future facility construction projects as provided in this section. The balance of such unexpended funds shall be available to any state university for future facility construction projects conducted pursuant to this section.

(11) The surveys, architectural plans, facility, and equipment shall be the property of the State of Florida. A facility constructed pursuant to this section may be named in honor of a donor at the option of the university and the State Board of Education. No facility shall be named after a living person without prior approval by the Legislature.

Section 876. Section 1013.81, Florida Statutes, is

created to read:

1013.81 Community college indebtedness; bonds and tax anticipation certificates; payment.--

(1) The indebtedness incurred for the benefit of community colleges and represented by bonds or motor vehicle tax anticipation certificates issued from time to time by the State Board of Education, hereinafter called "state board," pursuant to s. 18, Art. XII of the State Constitution of 1885 on behalf of the several former county boards of public instruction shall not be considered by the state board in determining the amount of bonds or motor vehicle tax anticipation certificates which the state board may issue from time to time on behalf of the several school districts under the provisions of s. 9(d), Art. XII of the State Constitution, as amended at the general election held on November 7, 1972, hereinafter called "school capital outlay amendment." Such indebtedness incurred on behalf of community colleges, as described above, shall be considered by the state board in determining the amount of bonds or motor vehicle tax anticipation certificates which the state board may issue from time to time on behalf of the several community college districts under the provisions of the school capital outlay amendment.

(2) The debt service requirements on the indebtedness incurred for the benefit of community colleges and represented by bonds or motor vehicle tax anticipation certificates issued from time to time by the state board on behalf of the several former county boards of public instruction, as described in subsection (1), shall be paid from funds distributable pursuant to the school capital outlay amendment to the credit of the several community college districts, and not from funds

distributable pursuant to the school capital outlay amendment to the credit of the several school districts.

(3) Nothing herein shall be construed to authorize the state board to affect adversely or impair the contractual rights created and vested by reason of the prior issuance of bonds or motor vehicle tax anticipation certificates by the state board.

Section 877. Section 1013.82, Florida Statutes, is created to read:

1013.82 Contracts of institutions for supplies, utility services, and building construction exempt from operation of county or municipal ordinance or charter.--

(1) University boards of trustees are authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter or ordinance. Contractual arrangements shall be in the best interests of the state and shall give consideration to rates, adequacy of service, and the dependability of the contractor.

(2) Any municipal or county charter, ordinance, or regulation that serves to restrict or prohibit the intent of subsection (1) shall be inoperative.

Section 878. Section 11.061, Florida Statutes, is amended to read:

11.061 State, state university, and community college employee lobbyists; registration; recording attendance; penalty; exemptions.--

(1) Any person employed by any executive, judicial, or quasi-judicial department of the state or community college or state university ~~of the state~~ who seeks to encourage the passage, defeat, or modification of any legislation by

personal appearance or attendance before the House of Representatives or the Senate, or any committee thereof, shall, prior thereto, register as a lobbyist with the joint legislative office on a form to be provided by the joint legislative office in the same manner as any other lobbyist is required to register, whether by rule of either house or otherwise. This shall not preclude any person from contacting her or his legislator regarding any matter during hours other than the established business hours of the person's respective agency, state university, or community college.

(2)(a) Each state, state university, or community college employee ~~or employee of a community college~~ registered pursuant to the provisions of this section shall:

1. Record with the chair of the committee any attendance before any committee during established business hours of the agency, state university, or community college employing the person.

2. Record with the joint legislative office any attendance in the legislative chambers, committee rooms, legislative offices, legislative hallways, and other areas in the immediate vicinity during the established business hours of the agency, state university, or community college employing the person.

(b) Any person who appears before a committee or subcommittee of the House of Representatives or the Senate at the request of the committee or subcommittee chair as a witness or for informational purposes shall be exempt from the provisions of this subsection.

(3) Any state, state university, or community college employee ~~or employee of a community college~~ who violates any provision of this section by not registering with the joint

legislative office as a lobbyist or by failing to record hours spent as a lobbyist in areas and activities as set forth in this section during the established business hours of the agency, state university, or community college employing the person shall have deducted from her or his salary an amount equivalent to her or his hourly wage times the number of hours that she or he was in violation of this section.

(4) Any person employed by any executive, judicial, or quasi-judicial department of the state or by any community college or state university ~~of the state~~ whose position is designated in that department's budget as being used during all, or a portion of, the fiscal year for lobbying shall comply with the provisions of subsection (1), but shall be exempt from the provisions of subsections (2) and (3).

Section 879. Paragraph (c) of subsection (5) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.--

(5) Following notification by the Auditor General, the Department of Banking and Finance, or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or s. 218.38, the Legislative Auditing Committee may schedule a hearing. If a hearing is scheduled, the committee shall determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss.

1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

Section 880. Paragraph (d) of subsection (2), paragraph (a) of subsection (3), and subsection (8) of section 11.45, Florida Statutes, are amended to read:

11.45 Definitions; duties; authorities; reports; rules.--

(2) DUTIES.--The Auditor General shall:

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000 ~~125,000~~, according to the most recent federal decennial statewide census.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

(a) The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

1. The accounts and records of any governmental entity created or established by law.

2. The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

3. The accounts and records of any charter school created or established by law.

4. The accounts and records of any direct-support

organization or citizen support organization created or established by law. The Auditor General is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

5. The public records associated with any appropriation made by the General Appropriations Act to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

6. State financial assistance provided to any nonstate entity.

7. The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

8. The Florida On-Line High School created pursuant to s. 1002.37 ~~228.082~~.

9. Any purchases of federal surplus lands for use as sites for correctional facilities as described in s. 253.037.

10. Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this subparagraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

11. The Florida Development Finance Corporation or the capital development board or the programs or entities created by the board. The audit or report may not reveal the identity of any person who has anonymously made a donation to the board pursuant to this subparagraph. The identity of a donor or prospective donor to the board who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

12. The records pertaining to the use of funds from voluntary contributions on a motor vehicle registration application or on a driver's license application authorized pursuant to ss. 320.023 and 322.081.

13. The records pertaining to the use of funds from the sale of specialty license plates described in chapter 320.

14. The transportation corporations under contract with the Department of Transportation that are acting on behalf of the state to secure and obtain rights-of-way for urgently needed transportation systems and to assist in the planning and design of such systems pursuant to ss. 339.401-339.421.

15. The acquisitions and divestitures related to the Florida Communities Trust Program created pursuant to chapter 380.

16. The Florida Water Pollution Control Financing Corporation created pursuant to s. 403.1837.

17. The Florida Partnership for School Readiness created pursuant to s. 411.01.

18. The Occupational Access and Opportunity Commission created pursuant to s. 413.83.

19. The Florida Special Disability Trust Fund Financing Corporation created pursuant to s. 440.49.

20. Workforce Florida, Inc., or the programs or entities created by Workforce Florida, Inc., created pursuant to s. 445.004.

21. The corporation defined in s. 455.32 that is under contract with the Department of Business and Professional Regulation to provide administrative, investigative, examination, licensing, and prosecutorial support services in accordance with the provisions of s. 455.32 and the practice act of the relevant profession.

22. The Florida Engineers Management Corporation created pursuant to chapter 471.

23. The Investment Fraud Restoration Financing Corporation created pursuant to chapter 517.

24. The books and records of any permitholder that conducts race meetings or jai alai exhibitions under chapter 550.

25. The corporation defined in part II of chapter 946, known as the Prison Rehabilitative Industries and Diversified Enterprises, Inc., or PRIDE Enterprises.

(8) RULES OF THE AUDITOR GENERAL.--The Auditor General, in consultation with the Board of Accountancy, shall adopt rules for the form and conduct of all financial audits performed by independent certified public accountants pursuant to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77 ~~237.40, 240.299, and 240.331~~. The rules for audits of local governmental entities and district school boards must include, but are not limited to, requirements for the reporting of information necessary to carry out the purposes of the Local Government Financial Emergencies Act as stated in s. 218.501.

Amendment No. ___ (for drafter's use only)

Section 881. Notwithstanding subsection (7) of section 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida Statutes, shall not stand repealed on January 7, 2003, as scheduled by that act, but is reenacted and amended to read:

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

(1) STATE BOARD OF EDUCATION.--In accordance with s. 2, Art. IX of the State Constitution, the State Board of Education is a body corporate and must supervise the system of free public education as is provided by law. The State Board of Education is the head of the Department of Education ~~the chief policymaking body of public education in the state as specified in chapter 229~~. ~~The Governor is chair of the board, and the Commissioner of Education is the secretary and executive officer and in the absence of the Governor shall serve as chair.~~

(2) COMMISSIONER OF EDUCATION.--The Commissioner of Education is appointed by the State Board of Education and serves as the Executive Director of the Department of Education ~~head of the Department of Education is the Commissioner of Education who shall be elected by vote of the qualified electors of the state pursuant to s. 5, Art. IV of the State Constitution~~.

~~(a) The Commissioner of Education shall appoint a Deputy Commissioner for Educational Programs who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of kindergarten through 12th grade education and vocational and continuing education programs, including workforce development.~~

~~(b) The Commissioner of Education shall appoint a~~

Amendment No. ___ (for drafter's use only)

~~Deputy Commissioner for Planning, Budgeting, and Management who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination of policies, programs, and procedures for the statewide system of education and the department.~~

~~(c) The Commissioner of Education shall appoint a Deputy Commissioner for Technology and Administration who has such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination and development of technological supports for the education system and efficient administration of the department.~~

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

(a) Division of Community Colleges.

(b) Division of Public Schools ~~and Community Education~~.

(c) Division of Colleges and Universities.

(d) Division of Vocational Rehabilitation ~~Workforce Development~~.

~~(e) Division of Professional Educators.~~

~~(f) Division of Administration.~~

~~(g) Division of Financial Services.~~

~~(h) Division of Support Services.~~

~~(i) Division of Technology.~~

(e)~~(j)~~ Division of Blind Services.

(4) DIRECTORS.--~~The Board of Regents is the director of the Division of Universities, and the State Board of Community Colleges is the director of the Division of Community Colleges, pursuant to chapter 240.~~ The directors of all ~~other~~ divisions shall be appointed by the commissioner subject to approval by the state board.

Amendment No. ___ (for drafter's use only)

(5) POWERS AND DUTIES.--The State Board of Education and the Commissioner of Education~~:~~

~~(a)~~ shall assign to the divisions ~~Division of Public Schools and Community Education~~ such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of education for students in K-20 education ~~prekindergarten through 12th grade, for secondary school vocational education, and for community education~~.

~~(b) Shall assign to the Division of Workforce Development such powers, duties, responsibilities, and functions as are necessary to ensure the greatest possible coordination, efficiency, and effectiveness of workforce development education.~~

~~(c) Shall assign to the State Board of Community Colleges such powers, duties, responsibilities, and functions as are necessary to ensure the coordination, efficiency, and effectiveness of community colleges, except those duties specifically assigned to the Commissioner of Education in ss. 229.512 and 229.551, the duties concerning physical facilities in chapter 235, and the duties assigned to the Division of Workforce Development in chapter 239.~~

(6) COUNCILS AND COMMITTEES.--Notwithstanding anything contained in law to the contrary, the commissioner ~~of Education~~ shall appoint all members of all councils and committees of the Department of Education, except the Commission for Independent Education and ~~Board of Regents, the State Board of Community Colleges, the community college district boards of trustees, the Postsecondary Education Planning Commission,~~ the Education Practices Commission~~, the Education Standards Commission, the State Board of Independent~~

~~Colleges and Universities, and the State Board of Nonpublic Career Education~~.

(7) BOARDS.--Notwithstanding anything contained in law to the contrary, all members of the university ~~Board of Regents, the State Board of Community Colleges,~~ and ~~the~~ community college ~~district~~ boards of trustees must be appointed according to chapter 1001 ~~240~~.

Section 882. Paragraphs (a) and (b) of subsection (1), paragraph (d) of subsection (3), and paragraph (a) of subsection (5) of section 23.1225, Florida Statutes, are amended to read:

23.1225 Mutual aid agreements.--

(1) The term "mutual aid agreement," as used in this part, refers to one of the following types of agreement:

(a) A voluntary cooperation written agreement between two or more law enforcement agencies, or between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers in accordance with s. 1012.97 ~~240.268~~, which agreement permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. Examples of law enforcement activities that may be addressed in a

voluntary cooperation written agreement include, but are not limited to, establishing a joint city-county task force on narcotics smuggling, authorizing school safety officers to enforce laws in an area within 1,000 feet of a school or school board property, or establishing a joint city-county traffic enforcement task force.

(b) A requested operational assistance written agreement between two or more law enforcement agencies, or between one or more law enforcement agencies and either a school board that employs school safety officers or a state university that employs or appoints university police officers in accordance with s. 1012.97 ~~240.268~~, which agreement is for the rendering of assistance in a law enforcement emergency. The agreement must specify the nature of the law enforcement assistance to be rendered, the agency or entity that shall bear any liability arising from acts undertaken under the agreement, the procedures for requesting and for authorizing assistance, the agency or entity that has command and supervisory responsibility, a time limit for the agreement, the amount of any compensation or reimbursement to the assisting agency or entity, and any other terms and conditions necessary to give it effect. An example of the use of a requested operational assistance written agreement is to meet a request for assistance due to a civil disturbance or other emergency as defined in s. 252.34.

(3) A mutual aid agreement may be entered into by:

(d) A state university that employs or appoints university police officers in accordance with s. 1012.97 ~~240.268~~.

(5) In the event of a disaster or emergency such that a state of emergency is declared by the Governor pursuant to

chapter 252, the requirement that a requested operational assistance agreement be a written agreement for rendering of assistance in a law enforcement emergency may be waived by the participating agencies for a period of up to 90 days from the declaration of the disaster.

(a) When a law enforcement agency, a school board employing school safety officers, or a state university employing or appointing university police officers in accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant to this subsection, all powers, privileges, and immunities listed in s. 23.127, except with regard to interstate mutual aid agreements, apply to the agency or entity, provided that the law enforcement, school board, or university employees rendering services are being requested and coordinated by the affected local law enforcement executive in charge of law enforcement operations.

Section 883. Subsection (2) and paragraphs (c) and (d) of subsection (5) of section 24.121, Florida Statutes, are amended to read:

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

(2) Each fiscal year, at least 38 percent of the gross revenue from the sale of lottery tickets and other earned revenue, excluding application processing fees, shall be deposited in the Educational Enhancement Trust Fund, which is hereby created in the State Treasury to be administered by the Department of Education. The Department of the Lottery shall transfer moneys to the Educational Enhancement Trust Fund at least once each quarter. Funds in the Educational Enhancement Trust Fund shall be used to the benefit of public education in accordance with the provisions of this act. Notwithstanding

any other provision of law, a maximum of $180 million of lottery revenues transferred to the Educational Enhancement Trust Fund in fiscal year 1997-1998 and for 30 years thereafter shall be reserved as needed and used to meet the requirements of the documents authorizing the bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~ or distributed to school districts for the Classrooms First Program as provided in s. 1013.68 ~~235.187~~. Such lottery revenues are hereby pledged to the payment of debt service on bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~ shall be payable from the first lottery revenues transferred to the Educational Enhancement Trust Fund in each fiscal year. Amounts distributable to school districts that request the issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are hereby pledged to such bonds pursuant to s. 11(d), Art. VII of the State Constitution. The amounts distributed through the Classrooms First Program shall equal $145 million in each fiscal year. These funds are intended to provide up to $2.5 billion for public school facilities.

(5)

(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. 1001.42(16) ~~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. 1001.42(16) ~~230.23(16)~~ or do not comply with school advisory council membership composition requirements pursuant to s. 229.58(1). Effective July 1, 2002, the Commissioner of Education shall withhold disbursements from the trust fund to any school district that fails to adopt the performance-based salary schedule required by s. 1012.22(1) ~~230.23(5)~~.

Section 884. Paragraph (a) of subsection (5) of section 39.0015, Florida Statutes, is amended to read:

39.0015 Child abuse prevention training in the district school system.--

(5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION

PROCESS; MONITORING AND EVALUATION.--

(a) Each training center shall perform the following functions:

1. Act as a clearinghouse to provide information on prevention curricula which meet the requirements of this section and the requirements of s. ~~ss.~~ 39.001 ~~and 231.17~~.

2. Assist the local school district in selecting a prevention program model which meets the needs of the local community.

3. At the request of the local school district, design and administer training sessions to develop or expand local primary prevention and training programs.

4. Provide assistance to local school districts, including, but not limited to, all of the following: administration, management, program development, multicultural staffing, and community education, in order to better meet the requirements of this section and of s. ~~ss.~~ 39.001 ~~and 231.17~~.

5. At the request of the department or the local school district, provide ongoing program development and training to achieve all of the following:

a. Meet the special needs of children, including, but not limited to, the needs of disabled and high-risk children.

b. Conduct an outreach program to inform the surrounding communities of the existence of primary prevention and training programs and of funds to conduct such programs.

6. Serve as a resource to the Department of Children and Family Services and its districts.

Section 885. Paragraph (c) of subsection (3) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical or mental

examination of parent or person requesting custody of child.--

(3)

(c) The judge may also order such child to be evaluated by a district school board educational needs assessment team. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education as defined in s. 1001.42 ~~230.23~~.

Section 886. Subsection (1) of section 61.13015, Florida Statutes, is amended to read:

61.13015 Petition for suspension or denial of professional licenses and certificates.--

(1) An obligee may petition the court which entered the support order or the court which is enforcing the support order for an order to suspend or deny the license or certificate issued pursuant to chapters ~~231,~~ 409, 455, 456, ~~and~~ 559, and 1012 of any obligor with a delinquent support obligation. However, no petition may be filed until the obligee has exhausted all other available remedies. The purpose of this section is to promote the public policy of s. 409.2551.

Section 887. Subsection (2) of section 105.061, Florida Statutes, is amended to read:

105.061 Electors qualified to vote.--

(2) The election of members of a school board shall be by vote of the qualified electors as prescribed in chapter 1001 ~~230~~.

Section 888. Paragraph (a) of subsection (1) of section 110.1228, Florida Statutes, is amended to read:

1 110.1228 Participation by small counties, small
2 municipalities, and district school boards located in small
3 counties.--
4 (1) As used in this section, the term:
5 (a) "District school board" means a district school
6 board located in a small county or a district school board
7 that receives funding pursuant to s. 1011.62(6) ~~236.081(6)~~.
8 Section 889. Paragraphs (b), (c), (f), (g), and (h) of
9 subsection (2) of section 110.123, Florida Statutes, are
10 amended to read:
11 110.123 State group insurance program.--
12 (2) DEFINITIONS.--As used in this section, the term:
13 (b) "Enrollee" means all state officers and employees,
14 retired state officers and employees, surviving spouses of
15 deceased state officers and employees, and terminated
16 employees or individuals with continuation coverage who are
17 enrolled in an insurance plan offered by the state group
18 insurance program."Enrollee" includes all state university
19 officers and employees, retired state university officers and
20 employees, surviving spouses of deceased state university
21 officers and employees, and terminated state university
22 employees or individuals with continuation coverage who are
23 enrolled in an insurance plan offered by the state group
24 insurance program.
25 (c) "Full-time state employees" includes all full-time
26 employees of all branches or agencies of state government
27 holding salaried positions and paid by state warrant or from
28 agency funds, and employees paid from regular salary
29 appropriations for 8 months' employment, including university
30 personnel on academic contracts, but in no case shall "state
31 employee" or "salaried position" include persons paid from

other-personal-services (OPS) funds."Full-time employees" includes all full-time employees of the state universities.

(f) "Part-time state employee" means any employee of any branch or agency of state government paid by state warrant from salary appropriations or from agency funds, and who is employed for less than the normal full-time workweek established by the department or, if on academic contract or seasonal or other type of employment which is less than year-round, is employed for less than 8 months during any 12-month period, but in no case shall "part-time" employee include a person paid from other-personal-services (OPS) funds."Part-time state employee" includes any part-time employee of the state universities.

(g) "Retired state officer or employee" or "retiree" means any state or state university officer or ~~state~~ employee who retires under a state retirement system or a state optional annuity or retirement program or is placed on disability retirement, and who was insured under the state group insurance program at the time of retirement, and who begins receiving retirement benefits immediately after retirement from state or state university office or employment.

(h) "State agency" or "agency" means any branch, department, or agency of state government."State agency" or "agency" includes any state university for purposes of this section only.

Section 890. Subsection (1) of section 110.151, Florida Statutes, is amended to read:

110.151 State officers' and employees' child care services.--

(1) The Department of Management Services shall

approve, administer, and coordinate child care services for state officers' and employees' children or dependents. Duties shall include, but not be limited to, reviewing and approving requests from state agencies for child care services; providing technical assistance on child care program startup and operation; and assisting other agencies in conducting needs assessments, designing centers, and selecting service providers. Primary emphasis for child care services shall be given to children who are not subject to compulsory school attendance pursuant to part II of chapter 1003 ~~chapter 232~~, and, to the extent possible, emphasis shall be placed on child care for children aged 2 and under.

Section 891. Subsection (5) of section 110.181, Florida Statutes, is amended to read:

110.181 Florida State Employees' Charitable Campaign.--

(5) PARTICIPATION OF STATE UNIVERSITIES.--Each university may elect to participate in the Florida State Employees' Charitable Campaign, upon timely notice to the department. Each university may also conduct annual charitable fundraising drives for employees under the authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

Section 892. Paragraph (d) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.--

(2) EXEMPT POSITIONS.--The exempt positions that are not covered by this part include the following:

(d) All officers and employees of the state universities ~~University System~~ and the Correctional Education Program within the Department of Corrections, and the academic personnel and academic administrative personnel of the Florida

School for the Deaf and the Blind. In accordance with the provisions of s. 1002.36 ~~chapter 242~~, the salaries for academic personnel and academic administrative personnel of the Florida School for the Deaf and the Blind shall be set by the board of trustees for the school, subject only to the approval of the State Board of Education. The salaries for all instructional personnel and all administrative and noninstructional personnel of the Correctional Education Program shall be set by the Department of Corrections, subject to the approval of the Department of Management Services.

Section 893. Paragraphs (b) and (c) of subsection (1) of section 112.1915, Florida Statutes, are amended to read:

112.1915 Teachers and school administrators; death benefits.--Any other provision of law to the contrary notwithstanding:

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

(b) "Teacher" means any instructional staff personnel as described in s. 1012.01(2) ~~228.041(9)~~.

(c) "School administrator" means any school administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

Section 894. Paragraph (h) of subsection (12) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.--

(12) EXEMPTION.--The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances

in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(h) The transaction is made pursuant to s. 1004.22 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by the president and the chair of the university board of trustees ~~Chancellor~~. The chair of the university board of trustees ~~Chancellor~~ shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.

Section 895. Subsection (6) of section 120.52, Florida Statutes, is amended to read:

120.52 Definitions.--As used in this act:

(6) "Educational unit" means a local school district, a community college district, the Florida School for the Deaf and the Blind, or a state university ~~unit of the State University System other than the Board of Regents~~.

Section 896. Paragraph (a) of subsection (1) of section 120.55, Florida Statutes, is amended to read:

120.55 Publication.--

(1) The Department of State shall:

(a)1. Publish in a permanent compilation entitled "Florida Administrative Code" all rules adopted by each agency, citing the specific rulemaking authority pursuant to which each rule was adopted, all history notes as authorized in s. 120.545(9), and complete indexes to all rules contained in the code. Supplementation shall be made as often as

1 practicable, but at least monthly. The department may
2 contract with a publishing firm for the publication, in a
3 timely and useful form, of the Florida Administrative Code;
4 however, the department shall retain responsibility for the
5 code as provided in this section. This publication shall be
6 the official compilation of the administrative rules of this
7 state. The Department of State shall retain the copyright
8 over the Florida Administrative Code.
9 2. Rules general in form but applicable to only one
10 school district, community college district, or county, or a
11 part thereof, or state university rules relating to internal
12 personnel or business and finance shall not be published in
13 the Florida Administrative Code. Exclusion from publication in
14 the Florida Administrative Code shall not affect the validity
15 or effectiveness of such rules.
16 3. At the beginning of the section of the code dealing
17 with an agency that files copies of its rules with the
18 department, the department shall publish the address and
19 telephone number of the executive offices of each agency, the
20 manner by which the agency indexes its rules, a listing of all
21 rules of that agency excluded from publication in the code,
22 and a statement as to where those rules may be inspected.
23 4. Forms shall not be published in the Florida
24 Administrative Code; but any form which an agency uses in its
25 dealings with the public, along with any accompanying
26 instructions, shall be filed with the committee before it is
27 used. Any form or instruction which meets the definition of
28 "rule" provided in s. 120.52 shall be incorporated by
29 reference into the appropriate rule. The reference shall
30 specifically state that the form is being incorporated by
31 reference and shall include the number, title, and effective

date of the form and an explanation of how the form may be obtained.

Section 897. Paragraphs (a), (c), (e), (g), (i), and (j) of subsection (1) of section 120.81, Florida Statutes, are amended to read:

120.81 Exceptions and special requirements; general areas.--

(1) EDUCATIONAL UNITS.--

(a) Notwithstanding s. 120.536(1) and the flush left provisions of s. 120.52(8), district school boards may adopt rules to implement their general powers under s. 1001.41 ~~230.22~~.

(c) 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. 1003.43 ~~229.57~~, s. 1003.438, s. 1008.22 ~~232.245~~, or s. 1008.25 ~~232.246~~, ~~or s. 232.247,~~ or any other statewide educational tests required by law, are not rules.

(e) Educational units, other than the state universities ~~units of the State University System~~ and the Florida School for the Deaf and the Blind, shall not be required to make filings with the committee of the documents required to be filed by s. 120.54 or s. 120.55(1)(a)4.

(g) Sections 120.569 and 120.57 do not apply to any proceeding in which the substantial interests of a student are determined by a state university ~~the State University System~~ or a community college ~~district~~. ~~The Board of Regents shall establish a committee, at least half of whom shall be appointed by the Council of Student Body Presidents, which shall establish rules and guidelines ensuring fairness and due~~

~~process in judicial proceedings involving students in the State University System.~~

(i) For purposes of s. 120.68, a district school board whose decision is reviewed under the provisions of s. 1012.33 ~~231.36~~ and whose final action is modified by a superior administrative decision shall be a party entitled to judicial review of the final action.

(j) Notwithstanding s. 120.525(2), the agenda for a special meeting of a district school board under authority of s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of the meeting, but not less than 48 hours prior to the meeting.

Section 898. Paragraph (c) of subsection (2) of section 121.051, Florida Statutes, is amended to read:

121.051 Participation in the system.--

(2) OPTIONAL PARTICIPATION.--

(c) Employees of ~~members of the Florida~~ community colleges ~~College System~~ or charter technical career centers sponsored by members of the ~~Florida~~ community colleges ~~College System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are members of the Regular Class of the Florida Retirement System and who comply with the criteria set forth in this paragraph and in s. 1012.875 ~~240.3195~~ may elect, in lieu of participating in the Florida Retirement System, to withdraw from the Florida Retirement System altogether and participate in a lifetime monthly annuity program, to be known as the State Community College System Optional Retirement Program, which may be provided by the employing agency under s. 1012.875 ~~240.3195~~. Pursuant thereto:

1. Through June 30, 2001, the cost to the employer for such annuity shall equal the normal cost portion of the employer retirement contribution which would be required if

the employee were a member of the Regular Class defined benefit program, plus the portion of the contribution rate required by s. 112.363(8) that would otherwise be assigned to the Retiree Health Insurance Subsidy Trust Fund. Effective July 1, 2001, each employer shall contribute on behalf of each participant in the optional program an amount equal to 10.43 percent of the participant's gross monthly compensation. The employer shall deduct an amount to provide for the administration of the optional retirement program. The employer providing such annuity shall contribute an additional amount to the Florida Retirement System Trust Fund equal to the unfunded actuarial accrued liability portion of the Regular Class contribution rate.

2. The decision to participate in such an optional retirement program shall be irrevocable for as long as the employee holds a position eligible for participation. Any service creditable under the Florida Retirement System shall be retained after the member withdraws from the Florida Retirement System; however, additional service credit in the Florida Retirement System shall not be earned while a member of the optional retirement program.

3. Participation in an optional annuity program shall be limited to those employees who satisfy the following eligibility criteria:

a. The employee must be otherwise eligible for membership in the Regular Class of the Florida Retirement System, as provided in s. 121.021(11) and (12).

b. The employee must be employed in a full-time position classified in the Accounting Manual for Florida's Public Community Colleges as:

(I) Instructional; or

(II) Executive Management, Instructional Management, or Institutional Management, if a community college determines that recruiting to fill a vacancy in the position is to be conducted in the national or regional market, and:

(A) The duties and responsibilities of the position include either the formulation, interpretation, or implementation of policies; or

(B) The duties and responsibilities of the position include the performance of functions that are unique or specialized within higher education and that frequently involve the support of the mission of the community college.

c. The employee must be employed in a position not included in the Senior Management Service Class of the Florida Retirement System, as described in s. 121.055.

4. Participants in the program are subject to the same reemployment limitations, renewed membership provisions, and forfeiture provisions as are applicable to regular members of the Florida Retirement System under ss. 121.091(9), 121.122, and 121.091(5), respectively.

5. Eligible community college employees shall be compulsory members of the Florida Retirement System until, pursuant to the procedures set forth in s. 1012.875 ~~240.3195~~, the first day of the next full calendar month following the filing of both a written election to withdraw and a completed application for an individual contract or certificate with the program administrator and receipt of such election by the division.

Section 899. Paragraph (a) of subsection (13) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.--Benefits may not be paid under this section unless the member has

terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and subject to the provisions of this section, the Deferred Retirement Option Program, hereinafter referred to as the DROP, is a program under which an eligible member of the Florida Retirement System may elect to participate, deferring receipt of retirement benefits while continuing employment with his or her Florida Retirement System employer. The deferred monthly benefits shall accrue in the System Trust Fund on behalf of the participant, plus interest compounded monthly, for the specified period of the DROP participation, as provided in paragraph (c). Upon termination of employment, the participant shall receive the total DROP benefits and begin to receive the previously determined normal retirement benefits. Participation in the DROP does not guarantee employment for the specified period of DROP.

(a) Eligibility of member to participate in the DROP.--All active Florida Retirement System members in a regularly established position, and all active members of either the Teachers' Retirement System established in chapter 238 or the State and County Officers' and Employees'

Retirement System established in chapter 122 which systems are consolidated within the Florida Retirement System under s. 121.011, are eligible to elect participation in the DROP provided that:

1. The member is not a renewed member of the Florida Retirement System under s. 121.122, or a member of the State Community College System Optional Retirement Program under s. 121.051, the Senior Management Service Optional Annuity Program under s. 121.055, or the optional retirement program for the State University System under s. 121.35.

2. Except as provided in subparagraph 6., election to participate is made within 12 months immediately following the date on which the member first reaches normal retirement date, or, for a member who reaches normal retirement date based on service before he or she reaches age 62, or age 55 for Special Risk Class members, election to participate may be deferred to the 12 months immediately following the date the member attains 57, or age 52 for Special Risk Class members. For a member who first reached normal retirement date or the deferred eligibility date described above prior to the effective date of this section, election to participate shall be made within 12 months after the effective date of this section. A member who fails to make an election within such 12-month limitation period shall forfeit all rights to participate in the DROP. The member shall advise his or her employer and the division in writing of the date on which the DROP shall begin. Such beginning date may be subsequent to the 12-month election period, but must be within the 60-month limitation period as provided in subparagraph (b)1. When establishing eligibility of the member to participate in the DROP for the 60-month maximum participation period, the member

may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in DROP within 12 months after attaining normal retirement date in either class.

3. The employer of a member electing to participate in the DROP, or employers if dually employed, shall acknowledge in writing to the division the date the member's participation in the DROP begins and the date the member's employment and DROP participation will terminate.

4. Simultaneous employment of a participant by additional Florida Retirement System employers subsequent to the commencement of participation in the DROP shall be permissible provided such employers acknowledge in writing a DROP termination date no later than the participant's existing termination date or the 60-month limitation period as provided in subparagraph (b)1.

5. A DROP participant may change employers while participating in the DROP, subject to the following:

a. A change of employment must take place without a break in service so that the member receives salary for each month of continuous DROP participation. If a member receives no salary during a month, DROP participation shall cease unless the employer verifies a continuation of the employment relationship for such participant pursuant to s. 121.021(39)(b).

b. Such participant and new employer shall notify the division on forms required by the division as to the identity of the new employer.

c. The new employer shall acknowledge, in writing, the

participant's DROP termination date, which may be extended but not beyond the original 60-month period provided in subparagraph (b)1., shall acknowledge liability for any additional retirement contributions and interest required if the participant fails to timely terminate employment, and shall be subject to the adjustment required in sub-subparagraph (c)5.d.

6. Effective July 1, 2001, for instructional personnel as defined in s. 1012.01(2) ~~228.041(9)(a) (d)~~, election to participate in the DROP shall be made at any time following the date on which the member first reaches normal retirement date. The member shall advise his or her employer and the division in writing of the date on which the Deferred Retirement Option Program shall begin. When establishing eligibility of the member to participate in the DROP for the 60-month maximum participation period, as provided in subparagraph (b)1., the member may elect to include or exclude any optional service credit purchased by the member from the total service used to establish the normal retirement date. A member with dual normal retirement dates shall be eligible to elect to participate in either class.

Section 900. Subsection (2) of section 145.131, Florida Statutes, is amended to read:

145.131 Repeal of other laws relating to compensation; exceptions.--

(2) The compensation of any official whose salary is fixed by this chapter shall be the subject of general law only, except that the compensation of certain school superintendents may be set by school boards in accordance with the provisions of s. 1001.47 ~~230.303~~.

Section 901. Subsection (2) of section 145.19, Florida

Statutes, is amended to read:

145.19 Annual percentage increases based on increase for state career service employees; limitation.--

(2) Each fiscal year, the salaries of all officials listed in this chapter and s. 1001.47 ~~ss. 230.202 and 230.303~~ shall be adjusted by the annual factor. The Department of Management Services shall certify the annual factor and the cumulative annual factors. The adjusted salary rate shall be the product, rounded to the nearest dollar, of the salary rate granted by the appropriate section of this chapter multiplied first by the initial factor, then by the cumulative annual factor, and finally by the annual factor. Any special qualification salary received under this chapter shall be added to such adjusted salary rate, which special qualification salary shall be $2,000, but shall not exceed $2,000.

Section 902. Section 153.77, Florida Statutes, is amended to read:

153.77 District bonds as securities for public bodies.--All revenue bonds, general obligation bonds, or assessment bonds issued pursuant to this law shall be and constitute legal investments for state, county, municipal, and all other public funds and for banks, savings banks, insurance companies, executors, administrators, trustees, and all other fiduciaries and shall also be and constitute securities eligible as collateral security for all state, county, municipal, or other public funds, subject to the restrictions and limitations of chapters 18, 136, ~~237,~~ 518, 655, 657, 658, ~~and~~ 660-665, and 1011.

Section 903. Subsection (22) of section 159.27, Florida Statutes, is amended to read:

Amendment No. ___ (for drafter's use only)

159.27 Definitions.--The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(22) "Educational facility" means:

(a) Property, limited to a structure suitable for use as a dormitory or other housing facility or a dining facility, that is operated in the public sector and used for or useful in connection with the operation of an institution for higher education, as defined in s. 243.20(8), which offers the baccalaureate or a higher degree and that is constructed in compliance with applicable codes as determined by appropriate state agencies.

(b) Property that comprises the buildings and equipment, structures, and special education use areas that are built, installed, or established to serve primarily the educational purposes of operating any nonprofit private preschool, kindergarten, elementary school, middle school, or high school that is established under chapter 617 or chapter 623, or that is owned or operated by an organization described in s. 501(c)(3) of the United States Internal Revenue Code, or operating any preschool, kindergarten, elementary school, middle school, or high school that is owned or operated as part of the state's system of public education, including, but not limited to, a charter school or a developmental research school operated under chapter 1002 ~~228~~. The requirements of this part for the financing of projects through local agencies shall also apply to such schools. Bonds issued under the provisions of this part for such schools shall not be deemed to constitute a debt, liability, or obligation of the state or any political subdivision thereof, or a pledge of the faith and credit of the state or of any such political subdivision,

but shall be payable solely from the revenues provided therefor.

Section 904. Paragraph (h) of subsection (6) and paragraph (a) of subsection (12) of section 163.3177, Florida Statutes, are amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(6) In addition to the requirements of subsections (1)-(5), the comprehensive plan shall include the following elements:

(h)1. An intergovernmental coordination element showing relationships and stating principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing services but not having regulatory authority over the use of land, with the comprehensive plans of adjacent municipalities, the county, adjacent counties, or the region, and with the state comprehensive plan, as the case may require and as such adopted plans or plans in preparation may exist. This element of the local comprehensive plan shall demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of adjacent municipalities, the county, adjacent counties, or the region, or upon the state comprehensive plan, as the case may require.

a. The intergovernmental coordination element shall provide for procedures to identify and implement joint planning areas, especially for the purpose of annexation, municipal incorporation, and joint infrastructure service areas.

b. The intergovernmental coordination element shall

provide for recognition of campus master plans prepared pursuant to s. 1013.30 ~~240.155~~.

c. The intergovernmental coordination element may provide for a voluntary dispute resolution process as established pursuant to s. 186.509 for bringing to closure in a timely manner intergovernmental disputes. A local government may develop and use an alternative local dispute resolution process for this purpose.

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards and other units of local government providing facilities and services but not having regulatory authority over the use of land. In addition, the intergovernmental coordination element shall describe joint processes for collaborative planning and decisionmaking on population projections and public school siting, the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance, including locally unwanted land uses whose nature and identity are established in an agreement. Within 1 year of adopting their intergovernmental coordination elements, each county, all the municipalities within that county, the district school board, and any unit of local government service providers in that county shall establish by interlocal or other formal agreement executed by all affected entities, the joint processes described in this subparagraph consistent with their adopted intergovernmental coordination elements.

3. To foster coordination between special districts and local general-purpose governments as local general-purpose governments implement local comprehensive plans, each

independent special district must submit a public facilities report to the appropriate local government as required by s. 189.415.

4. The state land planning agency shall establish a schedule for phased completion and transmittal of plan amendments to implement subparagraphs 1., 2., and 3. from all jurisdictions so as to accomplish their adoption by December 31, 1999. A local government may complete and transmit its plan amendments to carry out these provisions prior to the scheduled date established by the state land planning agency. The plan amendments are exempt from the provisions of s. 163.3187(1).

(12) A public school facilities element adopted to implement a school concurrency program shall meet the requirements of this subsection.

(a) A public school facilities element shall be based upon data and analyses that address, among other items, how level-of-service standards will be achieved and maintained. Such data and analyses must include, at a minimum, such items as: the 5-year school district facilities work program adopted pursuant to s. 1013.35 ~~235.185~~; the educational plant survey and an existing educational and ancillary plant map or map series; information on existing development and development anticipated for the next 5 years and the long-term planning period; an analysis of problems and opportunities for existing schools and schools anticipated in the future; an analysis of opportunities to collocate future schools with other public facilities such as parks, libraries, and community centers; an analysis of the need for supporting public facilities for existing and future schools; an analysis of opportunities to locate schools to serve as community focal points; projected

future population and associated demographics, including development patterns year by year for the upcoming 5-year and long-term planning periods; and anticipated educational and ancillary plants with land area requirements.

Section 905. Paragraph (k) of subsection (2) of section 163.3191, Florida Statutes, is amended to read:

163.3191 Evaluation and appraisal of comprehensive plan.--

(2) The report shall present an evaluation and assessment of the comprehensive plan and shall contain appropriate statements to update the comprehensive plan, including, but not limited to, words, maps, illustrations, or other media, related to:

(k) The coordination of the comprehensive plan with existing public schools and those identified in the applicable 5-year school district facilities work program adopted pursuant to s. 1013.35 ~~235.185~~. The assessment shall address, where relevant, the success or failure of the coordination of the future land use map and associated planned residential development with public schools and their capacities, as well as the joint decisionmaking processes engaged in by the local government and the school board in regard to establishing appropriate population projections and the planning and siting of public school facilities. If the issues are not relevant, the local government shall demonstrate that they are not relevant.

Section 906. Paragraph (b) of subsection (3) of section 195.096, Florida Statutes, is amended to read:

195.096 Review of assessment rolls.--

(3)

(b) When necessary for compliance with s. 1011.62

~~236.081~~, and for those counties not being studied in the current year, the department shall project value-weighted mean levels of assessment for each county. The department shall make its projection based upon the best information available, utilizing professionally accepted methodology, and shall separately allocate changes in total assessed value to:

1. New construction, additions, and deletions.

2. Changes in the value of the dollar.

3. Changes in the market value of property other than those attributable to changes in the value of the dollar.

4. Changes in the level of assessment.

In lieu of the statistical and analytical measures published pursuant to paragraph (a), the department shall publish details concerning the computation of estimated assessment levels and the allocation of changes in assessed value for those counties not subject to an in-depth review.

Section 907. Subsection (5) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.--For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(5) "Educational institution" means a federal, state, parochial, church, or private school, college, or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools; a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental

education credit by a board of the Division of Medical Quality Assurance; educational direct-support organizations created pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021, 240.299, and 240.331~~; facilities located on the property of eligible entities which will become owned by those entities on a date certain; and institutions of higher education, as defined under and participating in the Higher Educational Facilities Financing Act.

Section 908. Subsection (4) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.--

(4) The property appraisers of the various counties shall each year compile a list of taxable property and its value removed from the assessment rolls of each school district as a result of the excess of exempt value above that amount allowed for nonschool levies as provided in subsections (1) and (3), as well as a statement of the loss of tax revenue to each school district from levies other than the minimum financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~, and shall deliver a copy thereof to the Department of Revenue upon certification of the assessment roll to the tax collector.

Section 909. Section 196.1983, Florida Statutes, is amended to read:

196.1983 Charter school exemption from ad valorem taxes.--Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~ shall be exempt from ad valorem taxes. For leasehold properties, the landlord must certify by affidavit to the charter school that the lease payments shall be reduced to the

extent of the exemption received. The owner of the property shall disclose to a charter school the full amount of the benefit derived from the exemption and the method for ensuring that the charter school receives such benefit. The charter school shall receive the full benefit derived from the exemption through either an annual or monthly credit to the charter school's lease payments.

Section 910. Paragraphs (a), (b), and (d) of subsection (3) of section 200.001, Florida Statutes, are amended to read:

200.001 Millages; definitions and general provisions.--

(3) School millages shall be composed of five categories of millage rates, as follows:

(a) Nonvoted required school operating millage, which shall be that nonvoted millage rate set by the county school board for current operating purposes and imposed pursuant to s. 1011.60(6) ~~236.02(6)~~.

(b) Nonvoted discretionary school operating millage, which shall be that nonvoted millage rate set by the county school board for operating purposes other than the rate imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the rate authorized in s. 1011.71(2) ~~236.25(2)~~.

(d) Nonvoted district school capital improvement millage, which shall be that millage rate set by the district school board for capital improvements as authorized in s. 1011.71(2) ~~236.25(2)~~.

Section 911. Paragraph (a) of subsection (2), paragraphs (c) and (d) of subsection (3), paragraph (a) of subsection (9), subsection (10), and paragraph (b) of subsection (12) of section 200.065, Florida Statutes, are

amended to read:

200.065 Method of fixing millage.--

(2) No millage shall be levied until a resolution or ordinance has been approved by the governing board of the taxing authority which resolution or ordinance must be approved by the taxing authority according to the following procedure:

(a)1. Upon preparation of a tentative budget, but prior to adoption thereof, each taxing authority shall compute a proposed millage rate necessary to fund the tentative budget other than the portion of the budget to be funded from sources other than ad valorem taxes. In computing proposed or final millage rates, each taxing authority shall utilize not less than 95 percent of the taxable value certified pursuant to subsection (1).

2. The tentative budget of the county commission shall be prepared and submitted in accordance with s. 129.03.

3. The tentative budget of the school district shall be prepared and submitted in accordance with chapter 1011 ~~237~~, provided that the date of submission shall not be later than 24 days after certification of value pursuant to subsection (1).

4. Taxing authorities other than the county and school district shall prepare and consider tentative and final budgets in accordance with this section and applicable provisions of law, including budget procedures applicable to the taxing authority, provided such procedures do not conflict with general law.

(3) The advertisement shall be no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a

type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper of general paid circulation in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the county is published less than 5 days a week, or that the advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community and not one of limited subject matter, pursuant to chapter 50.

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The ...(name of school district)... will soon consider a measure to increase its property tax levy.

Last year's property tax levy:

A. Initially proposed tax levy.....$XX,XXX,XXX

B. Less tax reductions due to Value Adjustment Board

and other assessment changes.....($XX,XXX,XXX)

C. Actual property tax levy.....$XX,XXX,XXX

This year's proposed tax levy.....$XX,XXX,XXX

A portion of the tax levy is required under state law in order for the school board to receive $...(amount A)... in state education grants. The required portion has ...(increased or decreased)... by ...(amount B)... percent and represents approximately ...(amount C)... of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on ...(date and time)... at ...(meeting place)....

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage

rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same as provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive $...(amount A)... in state education grants.

(9)(a) In addition to the notice required in subsection (3), a district school board shall publish a second notice of intent to levy additional taxes under s. 1011.71(2) ~~236.25(2)~~. Such notice shall specify the projects or number of school buses anticipated to be funded by such additional taxes and shall be published in the size, within the time periods, adjacent to, and in substantial conformity with the advertisement required under subsection (3). The projects shall be listed in priority within each category as follows: construction and remodeling; maintenance, renovation, and repair; motor vehicle purchases; new and replacement equipment; payments for educational facilities and sites due under a lease-purchase agreement; payments for renting and leasing educational facilities and sites; payments of loans approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~; payment of costs of compliance with environmental statutes and regulations; and payment of costs of leasing relocatable educational facilities. The additional notice shall be in the following form, except that if the district school board is proposing to levy the same millage under s. 1011.71(2)

~~236.25(2)~~ which it levied in the prior year, the words "continue to" shall be inserted before the word "impose" in the first sentence, and except that the second sentence of the second paragraph shall be deleted if the district is advertising pursuant to paragraph (3)(e):

NOTICE OF TAX FOR SCHOOL
CAPITAL OUTLAY

The ...(name of school district)... will soon consider a measure to impose a ...(number)... mill property tax for the capital outlay projects listed herein.

This tax is in addition to the school board's proposed tax of ...(number)... mills for operating expenses and is proposed solely at the discretion of the school board. THE PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

The capital outlay tax will generate approximately $...(amount)..., to be used for the following projects:

...(list of capital outlay projects)...

All concerned citizens are invited to a public hearing to be held on ...(date and time)... at ...(meeting place)....

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

(10) Notwithstanding the provisions of paragraph (2)(b) and s. 200.069(4)(c) to the contrary, the proposed millage rates provided to the property appraiser by the taxing authority, except for millage rates adopted by referendum, for

rates authorized by s. 1011.71 ~~236.25~~, and for rates required by law to be in a specified millage amount, shall be adjusted in the event that a review notice is issued pursuant to s. 193.1142(4) and the taxable value on the approved roll is at variance with the taxable value certified pursuant to subsection (1). The adjustment shall be made by the property appraiser, who shall notify the taxing authorities affected by the adjustment within 5 days of the date the roll is approved pursuant to s. 193.1142(4). The adjustment shall be such as to provide for no change in the dollar amount of taxes levied from that initially proposed by the taxing authority.

(12)

(b) Within 30 days of the deadline for certification of compliance required by s. 200.068, the department shall notify any taxing authority in violation of this section that it is subject to paragraph (c). Except for revenues from voted levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~, the revenues of any taxing authority in violation of this section collected in excess of the rolled-back rate shall be held in escrow until the process required by paragraph (c) is completed and approved by the department. The department shall direct the tax collector to so hold such funds.

Section 912. Subsection (3) and paragraph (a) of subsection (4) of section 200.069, Florida Statutes, are amended to read:

200.069 Notice of proposed property taxes and non-ad valorem assessments.--Pursuant to s. 200.065(2)(b), the property appraiser, in the name of the taxing authorities and local governing boards levying non-ad valorem assessments within his or her jurisdiction and at the expense of the county, shall prepare and deliver by first-class mail to each

taxpayer to be listed on the current year's assessment roll a notice of proposed property taxes, which notice shall be in substantially the following form. Notwithstanding the provisions of s. 195.022, no county officer shall use a form other than that provided by the department for this purpose, except as provided in s. 200.065(13).

(3) There shall be under each column heading an entry for the county; the school district levy required pursuant to s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the municipality or municipal service taxing unit or units in which the parcel lies, if any; the water management district levying pursuant to s. 373.503; the independent special districts in which the parcel lies, if any; and for all voted levies for debt service applicable to the parcel, if any.

(4) For each entry listed in subsection (3), there shall appear on the notice the following:

(a) In the first column, a brief, commonly used name for the taxing authority or its governing body. The entry in the first column for the levy required pursuant to s. 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for other operating school district levies shall be "By Local Board." Both school levy entries shall be indented and preceded by the notation "Public Schools:". For each voted levy for debt service, the entry shall be "Voter Approved Debt Payments."

Section 913. Subsection (2) of section 201.24, Florida Statutes, is amended to read:

201.24 Obligations of municipalities, political subdivisions, and agencies of the state.--There shall be exempt from all taxes imposed by this chapter:

(2) Any assignment, transfer, or other disposition, or

any document, which arises out of a rental, lease, or lease-purchase for real property agreement entered pursuant to s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

Section 914. Paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.--

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(b) Beginning January 1, 1999, and continuing for 10 years thereafter, the division shall from month to month certify to the Comptroller the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02 which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 2.59 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43 ~~240.512~~, by warrant drawn by the Comptroller upon the State Treasury. These funds are hereby appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for the purpose of constructing, furnishing, and equipping a cancer research facility at the University of South Florida adjacent to the H. Lee Moffitt Cancer Center and Research Institute. In fiscal years 1999-2000 and thereafter with the exception of fiscal year 2008-2009, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this paragraph

shall not be less than the amount which would have been paid to the H. Lee Moffitt Cancer Center and Research Institute for fiscal year 1998-1999 had payments been made for the entire fiscal year rather than for a 6-month period thereof.

Section 915. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.--

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by a ~~an institution within the~~ state university ~~System~~, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c) ~~240.533(3)(c)~~.

2.a. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

b. No tax shall be levied on admission charges to an event sponsored by a governmental entity, sports authority, or sports commission when held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational

1 facility and when 100 percent of the risk of success or
2 failure lies with the sponsor of the event and 100 percent of
3 the funds at risk for the event belong to the sponsor, and
4 student or faculty talent is not exclusively used. As used in
5 this sub-subparagraph, the terms "sports authority" and
6 "sports commission" mean a nonprofit organization that is
7 exempt from federal income tax under s. 501(c)(3) of the
8 Internal Revenue Code and that contracts with a county or
9 municipal government for the purpose of promoting and
10 attracting sports-tourism events to the community with which
11 it contracts.
12 3. No tax shall be levied on an admission paid by a
13 student, or on the student's behalf, to any required place of
14 sport or recreation if the student's participation in the
15 sport or recreational activity is required as a part of a
16 program or activity sponsored by, and under the jurisdiction
17 of, the student's educational institution, provided his or her
18 attendance is as a participant and not as a spectator.
19 4. No tax shall be levied on admissions to the
20 National Football League championship game, on admissions to
21 any semifinal game or championship game of a national
22 collegiate tournament, or on admissions to a Major League
23 Baseball all-star game.
24 5. A participation fee or sponsorship fee imposed by a
25 governmental entity as described in s. 212.08(6) for an
26 athletic or recreational program is exempt when the
27 governmental entity by itself, or in conjunction with an
28 organization exempt under s. 501(c)(3) of the Internal Revenue
29 Code of 1954, as amended, sponsors, administers, plans,
30 supervises, directs, and controls the athletic or recreational
31 program.

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6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of

all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 916. Effective July 1, 2003, paragraph (a) of subsection (2) of section 212.04, Florida Statutes, as amended by section 4 of chapter 2000-345, Laws of Florida, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.--

(2)(a)1. No tax shall be levied on admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community

colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Family Services, and state correctional institutions when only student, faculty, or inmate talent is used. However, this exemption shall not apply to admission to athletic events sponsored by a ~~an institution within the~~ state university ~~System~~, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c) ~~240.533(3)(c)~~.

2. No tax shall be levied on dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under the provisions of s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

3. No tax shall be levied on an admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution, provided his or her attendance is as a participant and not as a spectator.

4. No tax shall be levied on admissions to the National Football League championship game, on admissions to any semifinal game or championship game of a national collegiate tournament, or on admissions to a Major League Baseball all-star game.

5. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program is exempt when the

governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

6. Also exempt from the tax imposed by this section to the extent provided in this subparagraph are admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities which it serves, and will receive at least 20 percent of the net profits, if any, of the events which the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events which it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Prior to March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application shall state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this

state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of $1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, in no event shall such exemption granted to any organization exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations shall not reflect the tax otherwise imposed under this section.

7. Also exempt from the tax imposed by this section are entry fees for participation in freshwater fishing tournaments.

8. Also exempt from the tax imposed by this section are participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

9. No tax shall be levied on admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

Section 917. Section 212.0602, Florida Statutes, is amended to read:

212.0602 Education; limited exemption.--To facilitate

investment in education and job training, there is also exempt from the taxes levied under this chapter, subject to the provisions of this section, the purchase or lease of materials, equipment, and other items or the license in or lease of real property by any entity, institution, or organization that is primarily engaged in teaching students to perform any of the activities or services described in s. 212.031(1)(a)9., that conducts classes at a fixed location located in this state, that is licensed under chapter 1005 ~~246~~, and that has at least 500 enrolled students. Any entity, institution, or organization meeting the requirements of this section shall be deemed to qualify for the exemptions in ss. 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for an exemption for its purchase or lease of materials, equipment, and other items used for education or demonstration of the school's curriculum, including supporting operations. Nothing in this section shall preclude an entity described in this section from qualifying for any other exemption provided for in this chapter.

Section 918. Paragraph (q) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.--

(q) Community contribution tax credit for donations.--

1. Authorization.--Beginning July 1, 2001, persons who are registered with the department under s. 212.18 to collect

or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution;

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26;

c. No person shall receive more than $200,000 in annual tax credits for all approved community contributions made in any one year;

d. All proposals for the granting of the tax credit shall require the prior approval of the Office of Tourism, Trade, and Economic Development;

e. The total amount of tax credits which may be granted for all programs approved under this paragraph, s. 220.183, and s. 624.5105 is $10 million annually; and

f. A person who is eligible to receive the credit provided for in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under the one section of the person's choice.

2. Eligibility requirements.--

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property;

(III) Goods or inventory; or

(IV) Other physical resources as identified by the Office of Tourism, Trade, and Economic Development.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term "project" means any activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income or very-low-income households as defined in s. 420.9071(19) and (28); designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in rural communities with enterprise zones, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to any project approved between January 1, 1996, and December 31, 1999, and located in an enterprise zone as referenced in s. 290.00675. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income or very-low-income households on scattered sites. The Office of Tourism, Trade, and Economic Development may reserve up to 50 percent of the available annual tax credits for housing for very-low-income households pursuant to s. 420.9071(28) for the first 6 months

of the fiscal year. With respect to housing, contributions may be used to pay the following eligible low-income and very-low-income housing-related activities:

(I) Project development impact and management fees for low-income or very-low-income housing projects;

(II) Down payment and closing costs for eligible persons, as defined in s. 420.9071(19) and (28);

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to low-income or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments when satisfaction of the lien is a necessary precedent to the transfer of the property to an eligible person, as defined in s. 420.9071(19) and (28), for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an "eligible sponsor," which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) The Florida Industrial Development Corporation;

(VII) A historic preservation district agency or organization;

(VIII) A regional workforce board;

(IX) A direct-support organization as provided in s. 1009.983 ~~240.551~~;

(X) An enterprise zone development agency created under s. 290.0056;

(XI) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XII) Units of local government;

(XIII) Units of state government; or

(XIV) Any other agency that the Office of Tourism, Trade, and Economic Development designates by rule.

In no event may a contributing person have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community pursuant to s. 14.2015(9)(b), unless the project increases access to high-speed broadband capability for rural communities with enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income or very-low-income households as defined in s. 420.0971(19) and (28) is exempt from the area requirement of this sub-subparagraph.

3. Application requirements.--

a. Any eligible sponsor seeking to participate in this program must submit a proposal to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. Any person seeking to participate in this program must submit an application for tax credit to the Office of Tourism, Trade, and Economic Development which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify the terms of the application and indicate its receipt of the contribution, which verification must be in writing and accompany the application for tax credit. The person must submit a separate tax credit application to the office for each individual contribution that it makes to each individual project.

c. Any person who has received notification from the Office of Tourism, Trade, and Economic Development that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within any 12-month period.

4. Administration.--

a. The Office of Tourism, Trade, and Economic

Development may adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Office of Tourism, Trade, and Economic Development must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the office shall transmit a copy of the decision to the Department of Revenue.

c. The Office of Tourism, Trade, and Economic Development shall periodically monitor all projects in a manner consistent with available resources to ensure that resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Office of Tourism, Trade, and Economic Development shall, in consultation with the Department of Community Affairs, the Florida Housing Finance Corporation, and the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

5. Expiration.--This paragraph expires June 30, 2005; however, any accrued credit carryover that is unused on that date may be used until the expiration of the 3-year carryover period for such credit.

Section 919. Subsection (6) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.--

(6) Any information received by the Department of Revenue in connection with the administration of taxes, including, but not limited to, information contained in returns, reports, accounts, or declarations filed by persons

subject to tax, shall be made available by the department to the Auditor General or his or her authorized agent, the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or a property appraiser or tax collector or their authorized agents pursuant to s. 195.084(1), in the performance of their official duties, or to designated employees of the Department of Education solely for determination of each school district's price level index pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information shall be disclosed to the Auditor General or his or her authorized agent, the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent, the Comptroller or his or her authorized agent, the Insurance Commissioner or his or her authorized agent, the Treasurer or his or her authorized agent, or to a property appraiser or tax collector or their authorized agents, or to designated employees of the Department of Education if such disclosure is prohibited by federal law. The Auditor General or his or her authorized agent, the director of the Office of Program Policy Analysis and Government Accountability or his or her authorized agent, the Comptroller or his or her authorized agent, the Treasurer or his or her authorized agent, and the property appraiser or tax collector and their authorized agents, or designated employees of the Department of Education shall be subject to the same requirements of confidentiality and the same penalties for violation of the requirements as the department. For the purpose of this subsection, "designated employees of the

Department of Education" means only those employees directly responsible for calculation of price level indices pursuant to s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors of such employees or any other employees or elected officials within the Department of Education.

Section 920. Paragraph (j) of subsection (4) of section 215.20, Florida Statutes, is amended to read:

215.20 Certain income and certain trust funds to contribute to the General Revenue Fund.--

(4) The income of a revenue nature deposited in the following described trust funds, by whatever name designated, is that from which the deductions authorized by subsection (3) shall be made:

(j) The Educational Certification and Service Trust Fund created by s. 1012.59 ~~231.30~~.

The enumeration of the foregoing moneys or trust funds shall not prohibit the applicability thereto of s. 215.24 should the Governor determine that for the reasons mentioned in s. 215.24 the money or trust funds should be exempt herefrom, as it is the purpose of this law to exempt income from its force and effect when, by the operation of this law, federal matching funds or contributions or private grants to any trust fund would be lost to the state.

Section 921. Subsection (2) of section 215.82, Florida Statutes, is amended to read:

215.82 Validation; when required.--

(2) Any bonds issued pursuant to this act which are validated shall be validated in the manner provided by chapter 75. In actions to validate bonds to be issued in the name of the State Board of Education under s. 9(a) and (d), Art. XII

of the State Constitution and bonds to be issued pursuant to chapter 259, the Land Conservation Act of 1972, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published only in the county where the complaint is filed, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending. In any action to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part I of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of the State Constitution or issued pursuant to s. 215.605 or s. 338.227, the complaint shall be filed in the circuit court of the county where the seat of state government is situated, the notice required to be published by s. 75.06 shall be published in a newspaper of general circulation in the county where the complaint is filed and in two other newspapers of general circulation in the state, and the complaint and order of the circuit court shall be served only on the state attorney of the circuit in which the action is pending; provided, however, that if publication of notice pursuant to this section would require publication in more newspapers than would publication pursuant to s. 75.06, such publication shall be made pursuant to s. 75.06.

Section 922. Subsection (7) of section 216.181, Florida Statutes, is amended to read:

216.181 Approved budgets for operations and fixed capital outlay.--

(7) The Executive Office of the Governor may, for the purpose of improved contract administration, authorize the consolidation of two or more fixed capital outlay appropriations for an agency, and the Chief Justice of the

Supreme Court for the judicial branch, except for projects authorized under chapter 1013 ~~235~~, provided the original scope and purpose of each project are not changed.

Section 923. Subsection (3) of section 216.301, Florida Statutes, is amended to read:

216.301 Appropriations; undisbursed balances.--

(3) Notwithstanding the provisions of subsection (2), the unexpended balance of any appropriation for fixed capital outlay subject to but not under the terms of a binding contract or a general construction contract prior to February 1 of the second fiscal year, or the third fiscal year if it is for an educational facility as defined in chapter 1013 ~~235~~ or a construction project of the Board of Regents, of the appropriation shall revert on February 1 of such year to the fund from which appropriated and shall be available for reappropriation. The Executive Office of the Governor shall, not later than February 20 of each year, furnish the Comptroller, the legislative appropriations committees, and the Auditor General a report listing in detail the items and amounts reverting under the authority of this subsection, including the fund to which reverted and the agency affected.

Section 924. Paragraphs (e) and (f) of subsection (1) of section 218.39, Florida Statutes, are amended to read:

218.39 Annual financial audit reports.--

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 12 months after the end of its fiscal year by an

independent certified public accountant retained by it and paid from its public funds:

(e) Each charter school established under s. 1002.33 ~~228.056~~.

(f) Each charter technical center established under s. 1002.34 ~~228.505~~.

Section 925. Paragraph (c) of subsection (2) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.--

(2) ELIGIBILITY REQUIREMENTS.--

(c) The project must be undertaken by an "eligible sponsor," defined here as:

1. A community action program;

2. A nonprofit community-based development organization whose mission is the provision of housing for low-income or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

3. A neighborhood housing services corporation;

4. A local housing authority, created pursuant to chapter 421;

5. A community redevelopment agency, created pursuant to s. 163.356;

6. The Florida Industrial Development Corporation;

7. An historic preservation district agency or organization;

8. A regional workforce board;

9. A direct-support organization as provided in s. 1009.983 ~~240.551~~;

10. An enterprise zone development agency created pursuant to s. 290.0056;

11. A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

12. Units of local government;

13. Units of state government; or

14. Such other agency as the Office of Tourism, Trade, and Economic Development may, from time to time, designate by rule.

In no event shall a contributing business firm have a financial interest in the eligible sponsor.

Section 926. Subsection (1) of section 222.22, Florida Statutes, is amended to read:

222.22 Exemption of moneys in the Prepaid College Trust Fund or in a Medical Savings Account from legal process.--

(1)(a) Moneys paid into or out of the Florida Prepaid College Trust Fund by or on behalf of a purchaser or qualified beneficiary pursuant to an advance payment contract made under part IV of chapter 1009 ~~s. 240.551~~, which contract has not been terminated, are not liable to attachment, garnishment, or legal process in the state in favor of any creditor of the purchaser or beneficiary of such advance payment contract.

(b) Moneys paid into or out of the Prepaid College Trust Fund by or on behalf of a benefactor or designated beneficiary pursuant to a participation agreement made under s. 1009.981 ~~240.553~~, which agreement has not been terminated, are not liable to attachment, garnishment, or legal process in

the state in favor of any creditor of the purchaser or beneficiary of such participation agreement.

Section 927. Subsection (4) of section 250.115, Florida Statutes, is amended to read:

250.115 Department of Military Affairs direct-support organization.--

(4) ACTIVITIES; RESTRICTIONS.--Any transaction or agreement between the direct-support organization organized pursuant to this section and another direct-support organization or center of technology innovation designated under s. 1004.77 ~~240.3335~~ must be approved by the Adjutant General.

Section 928. Section 255.0515, Florida Statutes, is amended to read:

255.0515 Bids for state contracts; substitution of subcontractors.--With respect to state contracts let pursuant to competitive bidding, whether under chapter 1013 ~~235~~, relating to educational facilities, or this chapter, relating to public buildings, the contractor shall not remove or replace subcontractors listed in the bid subsequent to the lists being made public at the bid opening, except upon good cause shown.

Section 929. Section 255.0516, Florida Statutes, is amended to read:

255.0516 Bid protests by educational boards.--With respect to state contracts and bids pursuant to competitive bidding, whether under chapter 1013 ~~235~~, relating to educational facilities, or under this chapter, relating to public buildings, if a school board, a community college board of trustees, or a state university board of trustees ~~the Board of Regents~~ uses procedures pursuant to chapter 120 for bid

protests, the board may require the protestor to post a bond amounting to:

(1) Twenty-five thousand dollars or 2 percent of the lowest accepted bid, whichever is greater, for projects valued over $500,000; and

(2) Five percent of the lowest accepted bid for all other projects,

conditioned upon payment of all costs and fees which may be adjudged against the protestor in the administrative hearing. If at the hearing the agency prevails, it shall recover all costs and attorney's fees from the protestor; if the protestor prevails, the protestor shall recover from the agency all costs and attorney's fees.

Section 930. Paragraph (e) of subsection (1) of section 265.2861, Florida Statutes, is amended to read:

265.2861 Cultural Institutions Program; trust fund.--

(1) CULTURAL INSTITUTIONS TRUST FUND.--There is created a Cultural Institutions Trust Fund to be administered by the Department of State for the purposes set forth in this section and to support the following programs as follows:

(e)1. For the officially designated Art Museum of the State of Florida described in s. 1004.45 ~~240.711~~, $2.2 million, and for state-owned cultural facilities assigned to the Department of State, which receive a portion of any operating funds from the Department of State and one of the primary purposes of which is the presentation of fine arts or performing arts, $500,000.

2. For fiscal year 2001-2002 only, the provisions of subparagraph 1. relating to state-owned cultural facilities shall not be applicable. This subparagraph expires July 1,

2002.

The trust fund shall consist of moneys appropriated by the Legislature, moneys deposited pursuant to s. 607.1901(2), and moneys contributed to the fund from any other source.

Section 931. Paragraph (d) of subsection (5) of section 265.603, Florida Statutes, is amended to read:

265.603 Definitions relating to Cultural Endowment Program.--The following terms and phrases when used in ss. 265.601-265.607 shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(5) "Sponsoring organization" means a cultural organization which:

(d) Is primarily and directly responsible for conducting, creating, producing, presenting, staging, or sponsoring a cultural exhibit, performance, or event. This provision includes museums owned and operated by political subdivisions of the state, except those constituted pursuant to s. 1004.67 ~~240.317~~.

Section 932. Subsection (8) of section 267.173, Florida Statutes, is amended to read:

267.173 Historic preservation in West Florida; goals; contracts for historic preservation; powers and duties.--

(8) Notwithstanding any other provision of law, the University of West Florida and its direct-support organization are eligible to match state funds in the Trust Fund for Major Gifts established pursuant to s. 1011.94 ~~240.2605~~.

Section 933. Subsections (4), (5), (7), and (9) of section 267.1732, Florida Statutes, are amended to read:

267.1732 Direct-support organization.--

(4) The university may authorize a direct-support organization to use its property (except money), facilities, and personal services, subject to the provisions of this section and s. 1004.28 ~~240.299~~. A direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin may not use the property, facilities, or personal services of the university. For the purposes of this subsection, the term "personal services" includes full-time personnel and part-time personnel as well as payroll processing.

(5) The university shall establish policies and may adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the procedures by which the direct-support organization is governed and any conditions with which a direct-support organization must comply to use property, facilities, or personal services of the university.

(7) The direct-support organization shall provide for an annual financial ~~and compliance~~ audit in accordance with s. 1004.28 ~~of its financial accounts and records by an independent certified public accountant in accordance with s. 251.981 and generally accepted accounting standards~~. ~~The annual audit report must be submitted to the university for review and approval. The university, the Auditor General, and others authorized in s. 240.299 shall have the authority to require and receive from the direct-support organization, or from its independent auditor, any detail or supplemental data relative to the operation of the organization. Upon approval, the university shall certify the audit report to the Auditor General for review.~~

(9) Provisions governing direct-support organizations

in s. 1004.28 ~~240.99~~ and not provided in this section shall apply to the direct-support organization.

Section 934. Subsection (9) of section 282.005, Florida Statutes, is amended to read:

282.005 Legislative findings and intent.--The Legislature finds that:

(9) To ensure the best management of the state's information technology and notwithstanding other provisions of law to the contrary, the functions of information technology are ~~hereby~~ assigned to the university boards of trustees ~~Board of Regents as the agency responsible~~ for the development and implementation of ~~policy,~~ planning, management, rulemaking, standards, and guidelines for the state universities ~~State University System~~; to the community college boards of trustees ~~State Board of Community Colleges as the agency responsible~~ for establishing and developing rules ~~and policies~~ for the community colleges ~~Florida Community College System~~; to the Supreme Court, for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the executive branch of state government.

Section 935. Subsections (1) and (3) of section 282.103, Florida Statutes, are amended to read:

282.103 SUNCOM Network; exemptions from the required use.--

(1) There is created within the State Technology Office the SUNCOM Network which shall be developed to serve as the state communications system for providing local and long-distance communications services to state agencies, political subdivisions of the state, municipalities, state universities, and nonprofit corporations pursuant to ss. 282.101-282.111. The SUNCOM Network shall be developed to

transmit all types of communications signals, including, but not limited to, voice, data, video, image, and radio. State agencies shall cooperate and assist in the development and joint use of communications systems and services.

(3) All state agencies and state universities are required to use the SUNCOM Network for agency and state university communications services as the services become available; however, no agency or university is relieved of responsibility for maintaining communications services necessary for effective management of its programs and functions. If a SUNCOM Network service does not meet the communications requirements of an agency or university, the agency or university shall notify the State Technology Office in writing and detail the requirements for that communications service. If the office is unable to meet an agency's or university's requirements by enhancing SUNCOM Network service, the office may grant the agency or university an exemption from the required use of specified SUNCOM Network services.

Section 936. Subsection (4) of section 282.105, Florida Statutes, is amended to read:

282.105 Use of state SUNCOM Network by nonprofit corporations.--

(4) Institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the state SUNCOM Network, subject to the terms and conditions of the office. Such entities shall not be required to satisfy the other criteria of this section.

Section 937. Section 282.106, Florida Statutes, is amended to read:

282.106 Use of SUNCOM Network by libraries.--The State

Technology Office may provide SUNCOM Network services to any library in the state, including libraries in public schools, community colleges, state universities ~~the State University System~~, and nonprofit private postsecondary educational institutions, and libraries owned and operated by municipalities and political subdivisions.

Section 938. Section 282.3031, Florida Statutes, is amended to read:

282.3031 Assignment of information resources management responsibilities.--For purposes of ss. 282.303-282.322, to ensure the best management of state information technology resources, and notwithstanding other provisions of law to the contrary, the functions of information resources management are ~~hereby~~ assigned to the university boards of trustees ~~Board of Regents as the agency responsible~~ for the development and implementation of ~~policy,~~ planning, management, rulemaking, standards, and guidelines for the state universities ~~State University System~~; to the community college boards of trustees ~~State Board of Community Colleges as the agency responsible~~ for establishing and developing rules ~~and policies~~ for the community colleges ~~Florida Community College System~~; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the State Technology Office for the agencies within the executive branch of state government.

Section 939. Subsection (1) of section 282.3063, Florida Statutes, is amended to read:

282.3063 Agency Annual Enterprise Resource Planning and Management Report.--

(1) By September 1 of each year, ~~and for the State University System within 90 days after completion of the~~

1 ~~expenditure analysis developed pursuant to s. 240.271(4),~~ each
2 Agency Chief Information Officer shall prepare and submit to
3 the State Technology Office an Agency Annual Enterprise
4 Resource Planning and Management Report. Following
5 consultation with the State Technology Office and the Agency
6 Chief Information Officers Council, the Executive Office of
7 the Governor and the fiscal committees of the Legislature
8 shall jointly develop and issue instructions for the format
9 and contents of the report.
10 Section 940. Subsection (2) of section 282.310,
11 Florida Statutes, is amended to read:
12 282.310 State Annual Report on Enterprise Resource
13 Planning and Management.--
14 (2) The State Annual Report on Enterprise Resource
15 Planning and Management shall contain, at a minimum, the
16 following:
17 (a) The state vision for enterprise resource planning
18 and management.
19 (b) A forecast of the state enterprise resource
20 planning and management priorities and initiatives for the
21 ensuing 2 years.
22 (c) A summary of major statewide policies recommended
23 by the State Technology Office for enterprise resource
24 planning and management.
25 (d) A summary of memoranda issued by the Executive
26 Office of the Governor.
27 (e) An assessment of the overall progress toward an
28 integrated electronic system for deploying government
29 products, services, and information to individuals and
30 businesses and state enterprise resource planning and
31 management initiatives and priorities for the past fiscal

year.

(f) A summary of major statewide issues related to improving enterprise resource planning and management by the state.

(g) An inventory list, by major categories, of state information technology resources.

(h) A summary of the total agency expenditures or descriptions of agreements, contracts, or partnerships for enterprise resource planning and management and of enterprise-wide procurements done by the office on behalf of the state.

(i) A summary of the opportunities for government agencies or entities to share enterprise resource planning and management projects or initiatives with other governmental or private sector entities.

The state annual report shall also include enterprise resource planning and management information from the annual reports prepared by the state universities and the community colleges ~~Board of Regents for the State University System, from the State Board of Community Colleges for the Florida Community College System~~, from the Supreme Court for the judicial branch, and from the Justice Administrative Commission on behalf of the state attorneys and public defenders. Expenditure information shall be taken from each agency's annual report as well as the annual reports of the state universities and the community colleges ~~Board of Regents, the State Board of Community Colleges~~, the Supreme Court, and the Justice Administrative Commission.

Section 941. Section 284.34, Florida Statutes, is amended to read:

Amendment No. ___ (for drafter's use only)

284.34 Professional medical liability of the university boards of trustees ~~Board of Regents~~ and nuclear energy liability excluded.--Unless specifically authorized by the Department of Insurance, no coverages shall be provided by this fund for professional medical liability insurance for the university boards of trustees ~~Board of Regents~~ or the physicians, officers, employees, or agents of any ~~the~~ board or for liability related to nuclear energy which is ordinarily subject to the standard nuclear energy liability exclusion of conventional liability insurance policies. This section does ~~shall~~ not affect ~~be construed as affecting~~ the self-insurance programs of the university boards of trustees ~~Board of Regents~~ established pursuant to s. 1004.24 ~~240.213~~.

Section 942. Paragraph (b) of subsection (2) of section 285.18, Florida Statutes, is amended to read:

285.18 Tribal council as governing body; powers and duties.--

(2) The governing bodies of the special improvement districts shall have the duty and power:

(b) To contract with the district school board of any district adjoining the local school district, when deemed necessary by the tribal council, to provide public education and educational programs for their members, notwithstanding the provisions of s. 1001.42 ~~230.23~~ that authorize school boards to establish attendance areas for their districts or approve plans for attendance in other districts.

Section 943. Paragraph (a) of subsection (2) of section 287.042, Florida Statutes, is amended to read:

287.042 Powers, duties, and functions.--The department shall have the following powers, duties, and functions:

(2)(a) To plan and coordinate purchases in volume and

to negotiate and execute purchasing agreements and contracts for commodities and contractual services under which state agencies shall make purchases pursuant to s. 287.056, and under which a federal, county, municipality, institutions qualified to participate in the William L. Boyd, IV, Florida Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local public agency may make purchases. The department may restrict purchases from some term contracts to state agencies only for those term contracts where the inclusion of other governmental entities will have an adverse effect on competition or to those federal facilities located in this state. In such planning or purchasing the Office of Supplier Diversity may monitor to ensure that opportunities are afforded for contracting with minority business enterprises. The department, for state term contracts, and all agencies, for multiyear contractual services or term contracts, shall explore reasonable and economical means to utilize certified minority business enterprises. Purchases by any county, municipality, private nonprofit community transportation coordinator designated pursuant to chapter 427, while conducting business related solely to the Commission for the Transportation Disadvantaged, or other local public agency under the provisions in the state purchasing contracts, and purchases, from the corporation operating the correctional work programs, of products or services that are subject to paragraph (1)(f), are exempt from the competitive sealed bid requirements otherwise applying to their purchases.

Amendment No. ___ (for drafter's use only)

Section 944. Paragraph (c) of subsection (9) and subsections (10) and (11) of section 287.055, Florida Statutes, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.--

(9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

(c) Except as otherwise provided in ~~s. 240.209(3) or~~ s. 337.11(7), the Department of Management Services shall adopt rules for the award of design-build contracts to be followed by state agencies. Each other agency must adopt rules or ordinances for the award of design-build contracts. Municipalities, political subdivisions, school districts, and school boards shall award design-build contracts by the use of a competitive proposal selection process as described in this subsection, or by the use of a qualifications-based selection process pursuant to subsections (3), (4), and (5) for entering into a contract whereby the selected firm will subsequently establish a guaranteed maximum price and guaranteed completion date. If the procuring agency elects the option of qualifications-based selection, during the selection of the design-build firm the procuring agency shall employ or retain a licensed design professional appropriate to the project to serve as the agency's representative. Procedures for the use of a competitive proposal selection process must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.

2. The qualification and selection of no fewer than

three design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.

3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the agency of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

6. In the case of public emergencies, for the agency head to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

(10) REUSE OF EXISTING PLANS.--Notwithstanding any other provision of this section, there shall be no public notice requirement or utilization of the selection process as provided in this section for projects in which the agency is able to reuse existing plans from a prior project of the agency, or, in the case of a board as defined in s. 1013.01 ~~chapter 235~~, a prior project of that or any other board. Except for plans of a board as defined in s. 1013.01 ~~chapter~~

~~235~~, public notice for any plans that are intended to be reused at some future time must contain a statement that provides that the plans are subject to reuse in accordance with the provisions of this subsection.

(11) CONSTRUCTION OF LAW.--Nothing in the amendment of this section by chapter 75-281, Laws of Florida, is intended to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211 and 235.31~~.

Section 945. Subsection (1) of section 287.064, Florida Statutes, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.--

(1) The Division of Bond Finance of the State Board of Administration and the Comptroller shall plan and coordinate deferred-payment purchases made by or on behalf of the state or its agencies or by or on behalf of state community colleges participating under this section pursuant to s. 1001.64(26) ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate and the Comptroller shall execute agreements and contracts to establish master equipment financing agreements for consolidated financing of deferred-payment, installment sale, or lease purchases with a financial institution or a consortium of financial institutions. As used in this act, the term "deferred-payment" includes installment sale and lease-purchase.

(a) The period during which equipment may be acquired under any one master equipment financing agreement shall be limited to not more than 3 years.

(b) Repayment of the whole or a part of the funds drawn pursuant to the master equipment financing agreement may continue beyond the period established pursuant to paragraph

(a).

(c) The interest rate component of any master equipment financing agreement shall be deemed to comply with the interest rate limitation imposed in s. 287.063 so long as the interest rate component of every interagency or community college agreement entered into under such master equipment financing agreement complies with the interest rate limitation imposed in s. 287.063. Such interest rate limitation does not apply when the payment obligation under the master equipment financing agreement is rated by a nationally recognized rating service in any one of the three highest classifications, which rating services and classifications are determined pursuant to rules adopted by the Comptroller.

Section 946. Paragraph (f) of subsection (1) of section 288.039, Florida Statutes, is amended to read:

288.039 Employing and Training our Youths (ENTRY).--

(1) DEFINITIONS.--As used in this section:

(f) "Public school" shall have the same meaning as in s. 1000.04(1) ~~228.041(1)(a)~~.

Section 947. Subsection (6) of section 288.8175, Florida Statutes, is amended to read:

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

(6) Each institute is allowed to exempt from s. 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per year from the respective host countries to study in any of the state universities or community colleges in this state as resident students for tuition purposes. The institute directors shall develop criteria, to be approved by the Department of Education, for the selection of these students. Students must return home within 3 years after their tenure of

graduate or undergraduate study for a length of time equal to their exemption period.

Section 948. Subsection (2) of section 295.01, Florida Statutes, is amended to read:

295.01 Children of deceased or disabled veterans; education.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 949. Subsection (2) of section 295.015, Florida Statutes, is amended to read:

295.015 Children of prisoners of war and persons missing in action; education.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 950. Subsection (2) of section 295.016, Florida Statutes, is amended to read:

295.016 Children of service members who died or became disabled in Operation Eagle Claw.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 951. Subsection (2) of section 295.017, Florida Statutes, is amended to read:

295.017 Children of service members who died or became disabled in the Lebanon and Grenada military arenas; educational opportunity.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 952. Subsection (2) of section 295.018, Florida Statutes, is amended to read:

295.018 Children of service members who died in Newfoundland air tragedy; educational opportunity.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 953. Subsection (2) of section 295.019, Florida Statutes, is amended to read:

295.019 Children of service members who died in U.S.S. Stark attack.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 954. Subsection (2) of section 295.0195, Florida Statutes, is amended to read:

295.0195 Children of deceased or disabled military personnel who died or became disabled in the Mideast Persian Gulf military arena during hostilities with Iraq or in the military action in Panama known as Operation Just Cause.--

(2) The provisions of ss. ~~240.404,~~ 295.03, 295.04, ~~and~~ 295.05, and 1009.40 shall apply.

Section 955. Subsection (45) of section 316.003, Florida Statutes, is amended to read:

316.003 Definitions.--The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(45) SCHOOL BUS.--Any motor vehicle that complies with the color and identification requirements of chapter 1006 ~~234~~ and is used to transport children to or from public or private school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children. The term "school" includes all preelementary, elementary, secondary, and postsecondary schools.

Section 956. Subsection (4) of section 316.027,

Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.--

(4) A person whose commission of a noncriminal traffic infraction or any violation of this chapter or s. 1006.66 ~~240.265~~ causes or results in the death of another person may, in addition to any other civil, criminal, or administrative penalty imposed, be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 957. Paragraph (b) of subsection (9) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.--

(9) BUSES AND PRIVATE MOTOR COACHES.--

(b) School buses which are subject to the provisions of ~~chapter 234 or~~ s. 316.615 or chapter 1006 are exempt from the provisions of this subsection.

Section 958. Subsection (5) of section 316.6145, Florida Statutes, is amended to read:

316.6145 School buses; safety belts or other restraint systems required.--

(5) The provisions of this section shall not apply to vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

Section 959. Paragraphs (a) and (c) of subsection (1) of section 316.615, Florida Statutes, are amended to read:

316.615 School buses; physical requirements of drivers.--

(1)(a) All motor vehicles, with a seating capacity of

24 or more pupils, which are regularly used for the transportation of pupils to or from school, or to or from school activities, shall comply with the requirements for school buses of chapter 1006 ~~234~~.

(c) A bus operated by an organization that holds a tax exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from the color, pupil-warning-lamp-system, stop-arm, and crossing-arm requirements for school buses in chapter 1006 ~~234~~ if:

1. The bus does not pick up pupils from home or deliver pupils to home;

2. The bus makes no intermittent stops to unload or load pupils; and

3. The bus is not operated by or under the purview of the state or political subdivision.

Section 960. Subsection (3) of section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.--

(3) School buses subject to the provisions of chapter 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this section.

Section 961. Subsection (2) of section 316.72, Florida Statutes, is amended to read:

316.72 Buses simulating school buses in color and insignia; conditions of use.--

(2) Any educational, recreational, religious, or charitable organization may own, operate, rent, or lease any bus which has been painted the orange or yellow color known as "school bus chrome" and which has been equipped with the signs, lights, insignia, and other features which normally characterize a school bus, as defined in s. 1006.25 ~~234.051~~,

consistent with the provisions of this section.

Section 962. Section 318.12, Florida Statutes, is amended to read:

318.12 Purpose.--It is the legislative intent in the adoption of this chapter to decriminalize certain violations of chapter 316, the Florida Uniform Traffic Control Law; chapter 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses; ~~chapter 240, Postsecondary Education; and~~ chapter 338, Florida Intrastate Highway System and Toll Facilities; and chapter 1006, Support of Learning, thereby facilitating the implementation of a more uniform and expeditious system for the disposition of traffic infractions.

Section 963. Subsection (1) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.--

(1) Except as provided in ss. 318.17 and 320.07(3)(c), any person cited for a violation of s. 1006.66(3) ~~240.265~~, chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s. 322.19, or s. 1006.66 is charged with a noncriminal infraction and must be cited for such an infraction and cited to appear before an official. If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

Section 964. Paragraph (c) of subsection (2) of section 320.08058, Florida Statutes, is amended to read:

320.08058 Specialty license plates.--

(2) CHALLENGER LICENSE PLATES.--

(c) Fifty percent must be distributed to the

Technological Research and Development Authority created by s. 2, chapter 87-455, Laws of Florida, for the purpose of funding space-related research grants, the Teacher/Quest Scholarship Program under s. 1009.61 ~~240.4082~~ as approved by the Florida Department of Education, and space-related economic development programs. The Technological Research and Development Authority shall coordinate and distribute available resources among state universities and independent colleges and universities based on the research strengths of such institutions in space science technology, community colleges, public school districts, and not-for-profit educational organizations.

Section 965. Subsection (1) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.--The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(1) The first proceeds, to the extent necessary to comply with the provisions of s. 18, Art. XII of the State Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968 revised constitution, and the additional provisions of s. 9(d) and s. 1010.57 ~~236.602~~, must be deposited in the district Capital Outlay and Debt Service School Trust Fund.

Section 966. Section 320.38, Florida Statutes, is amended to read:

320.38 When nonresident exemption not allowed.--The provisions of s. 320.37 authorizing the operation of motor vehicles over the roads of this state by nonresidents of this state when such vehicles are duly registered or licensed under

the laws of some other state or foreign country do not apply to any nonresident who accepts employment or engages in any trade, profession, or occupation in this state, except a nonresident migrant farm worker as defined in s. 316.003(61). In every case in which a nonresident, except a nonresident migrant farm worker as defined in s. 316.003(61), accepts employment or engages in any trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 10 days after the commencement of such employment or education, register his or her motor vehicles in this state if such motor vehicles are proposed to be operated on the roads of this state. Any person who is enrolled as a student in a college or university and who is a nonresident but who is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02 ~~246.021~~, is not required to have a Florida registration for the duration of the work-study program if the person's vehicle is properly registered in another jurisdiction. Any nonresident who is enrolled as a full-time student in such institution of higher learning is also exempt for the duration of such enrollment.

Section 967. Subsection (3) of section 322.031, Florida Statutes, is amended to read:

322.031 Nonresident; when license required.--

(3) A nonresident who is domiciled in another state and who commutes into this state in order to work shall not be required to obtain a Florida driver's license under this section solely because he or she has accepted employment or

engages in any trade, profession, or occupation in this state if he or she has a valid driver's license issued by another state. Further, any person who is enrolled as a student in a college or university and who is a nonresident but is in this state for a period of up to 6 months engaged in a work-study program for which academic credits are earned from a college whose credits or degrees are accepted for credit by at least three accredited institutions of higher learning, as defined in s. 1005.02 ~~246.021~~, shall not be required to obtain a Florida driver's license for the duration of the work-study program if such person has a valid driver's license issued by another state. Any nonresident who is enrolled as a full-time student in any such institution of higher learning is also exempt from the requirement of obtaining a Florida driver's license for the duration of such enrollment.

Section 968. Paragraph (e) of subsection (1) and paragraph (a) of subsection (2) of section 322.091, Florida Statutes, are amended to read:

322.091 Attendance requirements.--

(1) ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.--A minor is not eligible for driving privileges unless that minor:

(e) Has been issued a certificate of exemption according to s. 1003.21(3) ~~232.06~~; or

The department may not issue a driver's license or learner's driver's license to, or shall suspend the driver's license or learner's driver's license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

(2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;

RECORD OF NONCOMPLIANCE.--

(a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. 1003.27 ~~232.19~~, and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.

Section 969. Subsection (5) of section 322.095, Florida Statutes, is amended to read:

322.095 Traffic law and substance abuse education program for driver's license applicants.--

(5) The provisions of this section do not apply to any person who has been licensed in any other jurisdiction or who has satisfactorily completed a Department of Education driver's education course offered pursuant to s. 1003.48 ~~233.063~~.

Section 970. Paragraphs (a), (b), (c), and (d) of subsection (1) of section 322.21, Florida Statutes, are amended to read:

322.21 License fees; procedure for handling and collecting fees.--

(1) Except as otherwise provided herein, the fee for:

(a) An original or renewal commercial driver's license is $50, which shall include the fee for driver education provided by s. 1003.48 ~~233.063~~; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the fee shall be the same as for a Class E driver's license. A delinquent fee of $1 shall be added for a renewal made not more than 12 months after the license expiration date.

(b) An original Class D or Class E driver's license is

$20, which shall include the fee for driver's education provided by s. 1003.48 ~~233.063~~; however, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the fee shall be the same as for a Class E license.

(c) The renewal or extension of a Class D or Class E driver's license or of a license restricted to motorcycle use only is $15, except that a delinquent fee of $1 shall be added for a renewal or extension made not more than 12 months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 1003.48 ~~233.063~~.

(d) An original driver's license restricted to motorcycle use only is $20, which shall include the fee for driver's education provided by s. 1003.48 ~~233.063~~.

Section 971. Paragraphs (c) and (d) of subsection (2) and subsection (6) of section 333.03, Florida Statutes, are amended to read:

333.03 Power to adopt airport zoning regulations.--

(2) In the manner provided in subsection (1), interim airport land use compatibility zoning regulations shall be adopted. When political subdivisions have adopted land development regulations in accordance with the provisions of chapter 163 which address the use of land in the manner consistent with the provisions herein, adoption of airport land use compatibility regulations pursuant to this subsection shall not be required. Interim airport land use compatibility zoning regulations shall consider the following:

(c) Where an airport authority or other governing body operating a publicly owned, public-use airport has conducted a

noise study in accordance with the provisions of 14 C.F.R. part 150, neither residential construction nor any educational facility as defined in chapter 1013 ~~235~~, with the exception of aviation school facilities, shall be permitted within the area contiguous to the airport defined by an outer noise contour that is considered incompatible with that type of construction by 14 C.F.R. part 150, Appendix A or an equivalent noise level as established by other types of noise studies.

(d) Where an airport authority or other governing body operating a publicly owned, public-use airport has not conducted a noise study, neither residential construction nor any educational facility as defined in chapter 1013 ~~235~~, with the exception of aviation school facilities, shall be permitted within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(6) Nothing in subsection (2) or subsection (3) shall be construed to require the removal, alteration, sound conditioning, or other change, or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993, or be construed to prohibit the construction of any new structure for which a site has been determined as provided in former s. 235.19, as of July 1, 1993.

Section 972. Subsection (7) of section 364.508, Florida Statutes, is amended to read:

364.508 Definitions.--As used in this part:

(7) "Eligible facilities" means all approved campuses and instructional centers of all public universities, public community colleges, area technical centers, public elementary schools, middle schools, and high schools, including school

administrative offices, public libraries, teaching hospitals, the research institute described in s. 1004.43 ~~240.512~~, and rural public hospitals as defined in s. 395.602. If no rural public hospital exists in a community, the public health clinic which is responsible for individuals before they can be transferred to a regional hospital shall be considered eligible.

Section 973. Paragraph (k) of subsection (3) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines and standards.--

(3) The following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments shall be required to undergo development-of-regional-impact review:

(k) Schools.--

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In technical ~~area vocational~~ schools or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees ~~Board of Regents~~ pursuant to s. 1013.30 ~~240.155~~.

Section 974. Paragraph (e) of subsection (1) of section 381.003, Florida Statutes, is amended to read:

381.003 Communicable disease and AIDS prevention and control.--

(1) The department shall conduct a communicable disease prevention and control program as part of fulfilling its public health mission. A communicable disease is any disease caused by transmission of a specific infectious agent, or its toxic products, from an infected person, an infected animal, or the environment to a susceptible host, either directly or indirectly. The communicable disease program must include, but need not be limited to:

(e) Programs for the prevention and control of vaccine-preventable diseases, including programs to immunize school children as required by s. 1003.22(3)-(11) ~~232.032~~ and the development of an automated, electronic, and centralized database or registry of immunizations. The department shall ensure that all children in this state are immunized against vaccine-preventable diseases. The immunization registry shall allow the department to enhance current immunization activities for the purpose of improving the immunization of all children in this state.

1. Except as provided in subparagraph 2., the department shall include all children born in this state in the immunization registry by using the birth records from the Office of Vital Statistics. The department shall add other children to the registry as immunization services are

provided.

2. The parent or guardian of a child may refuse to have the child included in the immunization registry by signing a form obtained from the department, or from the health care practitioner or entity that provides the immunization, which indicates that the parent or guardian does not wish to have the child included in the immunization registry. The decision to not participate in the immunization registry must be noted in the registry.

3. The immunization registry shall allow for immunization records to be electronically transferred to entities that are required by law to have such records, including schools, licensed child care facilities, and any other entity that is required by law to obtain proof of a child's immunizations.

4. Any health care practitioner licensed under chapter 458, chapter 459, or chapter 464 in this state who complies with rules adopted by the department to access the immunization registry may, through the immunization registry, directly access immunization records and update a child's immunization history or exchange immunization information with another authorized practitioner, entity, or agency involved in a child's care. The information included in the immunization registry must include the child's name, date of birth, address, and any other unique identifier necessary to correctly identify the child; the immunization record, including the date, type of administered vaccine, and vaccine lot number; and the presence or absence of any adverse reaction or contraindication related to the immunization. Information received by the department for the immunization registry retains its status as confidential medical

information and the department must maintain the confidentiality of that information as otherwise required by law. A health care practitioner or other agency that obtains information from the immunization registry must maintain the confidentiality of any medical records in accordance with s. 456.057 or as otherwise required by law.

Section 975. Paragraph (d) of subsection (1) of section 381.005, Florida Statutes, is amended to read:

381.005 Primary and preventive health services.--

(1) The department shall conduct a primary and preventive health care program as part of fulfilling its public health mission. This program shall include, but is not limited to:

(d) School health services in accordance with chapters 1003 and 1006 ~~chapter 232~~.

Section 976. Paragraph (p) of subsection (5) of section 381.0056, Florida Statutes, is amended to read:

381.0056 School health services program.--

(5) Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan; and the plan shall include, at a minimum, provisions for:

(p) Maintenance of records on incidents of health problems, corrective measures taken, and such other information as may be needed to plan and evaluate health programs; except, however, that provisions in the plan for maintenance of health records of individual students must be in accordance with s. 1002.22 ~~228.093~~;

Section 977. Subsection (9) of section 381.0302, Florida Statutes, is amended to read:

381.0302 Florida Health Services Corps.--

(9) Persons who receive loan repayment assistance under s. 1009.65 ~~240.4067~~ shall be members of the Florida Health Services Corps.

Section 978. Subsection (3) of section 391.055, Florida Statutes, is amended to read:

391.055 Service delivery systems.--

(3) The Children's Medical Services network may contract with school districts participating in the certified school match program pursuant to ss. ~~236.0812 and~~ 409.908(21) and 1011.70 for the provision of school-based services, as provided for in s. 409.9071, for Medicaid-eligible children who are enrolled in the Children's Medical Services network.

Section 979. Section 393.0657, Florida Statutes, is amended to read:

393.0657 Persons not required to be refingerprinted or rescreened.--Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers who have been fingerprinted pursuant to chapter 1012 ~~231~~, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any direct service provider screening or fingerprinting requirements.

Section 980. Subsection (3) of section 394.4572, Florida Statutes, is amended to read:

1 394.4572 Screening of mental health personnel.--
2 (3) Prospective mental health personnel who have
3 previously been fingerprinted or screened pursuant to this
4 chapter, chapter 393, chapter 397, chapter 402, or chapter
5 409, or teachers who have been fingerprinted pursuant to
6 chapter 1012 ~~231~~, who have not been unemployed for more than
7 90 days thereafter, and who under the penalty of perjury
8 attest to the completion of such fingerprinting or screening
9 and to compliance with the provisions of this section and the
10 standards for level 1 screening contained in chapter 435,
11 shall not be required to be refingerprinted or rescreened in
12 order to comply with any screening requirements of this part.
13 Section 981. Subsection (5) of section 394.495,
14 Florida Statutes, is amended to read:
15 394.495 Child and adolescent mental health system of
16 care; programs and services.--
17 (5) In order to enhance collaboration between agencies
18 and to facilitate the provision of services by the child and
19 adolescent mental health treatment and support system and the
20 school district, the local child and adolescent mental health
21 system of care shall include the local educational multiagency
22 network for severely emotionally disturbed students specified
23 in s. 1006.04 ~~230.2317~~.
24 Section 982. Paragraph (c) of subsection (4) of
25 section 394.498, Florida Statutes, is amended to read:
26 394.498 Child and Adolescent Interagency System of
27 Care Demonstration Models.--
28 (4) ESSENTIAL ELEMENTS.--
29 (c) In order for children, adolescents, and families
30 of children and adolescents to receive timely and effective
31 services, the basic provider network identified in each

demonstration model must be well designed and managed. The provider network should be able to meet the needs of a significant proportion of the target population. The applicant must demonstrate the capability to manage the network of providers for the purchasers that participate in the demonstration model. The applicant must demonstrate its ability to perform the following network management functions:

1. Identify providers within the designated area of the demonstration model which are currently funded by the state agencies included in the model, and identify additional providers that are needed to provide additional services for the target population. The network of providers may include:

a. Licensed mental health professionals as defined in s. 394.455(2), (4), (21), (23), or (24);

b. Professionals licensed under chapter 491;

c. Teachers certified under s. 1012.56 ~~231.17~~;

d. Facilities licensed under chapter 395, as a hospital; s. 394.875, as a crisis stabilization unit or short-term residential facility; or s. 409.175, as a residential child-caring agency; and

e. Other community agencies.

2. Define access points and service linkages of providers in the network.

3. Define the ways in which providers and participating state agencies are expected to collaborate in providing services.

4. Define methods to measure the collective performance outcomes of services provided by providers and state agencies, measure the performance of individual agencies, and implement a quality improvement process across the provider network.

1 5. Develop brochures for family members which are
2 written in understandable terminology, to help families
3 identify appropriate service providers, choose the provider,
4 and access care directly whenever possible.
5 6. Ensure that families are given a substantial role
6 in planning and monitoring the provider network.
7 7. Train all providers with respect to the principles
8 of care outlined in this section, including effective
9 techniques of cooperation, the wraparound process and
10 strengths-based assessment, the development of service plans,
11 and techniques of case management.
12 Section 983. Subsection (3) of section 395.602,
13 Florida Statutes, is amended to read:
14 395.602 Rural hospitals.--
15 (3) USE OF FUNDS.--It is the intent of the Legislature
16 that funds as appropriated shall be utilized by the department
17 for the purpose of increasing the number of primary care
18 physicians, physician assistants, certified nurse midwives,
19 nurse practitioners, and nurses in rural areas, either through
20 the Medical Education Reimbursement and Loan Repayment Program
21 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan
22 repayment program which requires state matching funds. The
23 department may use funds appropriated for the Medical
24 Education Reimbursement and Loan Repayment Program as matching
25 funds for federal loan repayment programs for health care
26 personnel, such as that authorized in Pub. L. No. 100-177, s.
27 203. If the department receives federal matching funds, the
28 department shall only implement the federal program.
29 Reimbursement through either program shall be limited to:
30 (a) Primary care physicians, physician assistants,
31 certified nurse midwives, nurse practitioners, and nurses

employed by or affiliated with rural hospitals, as defined in this act; and

(b) Primary care physicians, physician assistants, certified nurse midwives, nurse practitioners, and nurses employed by or affiliated with rural area health education centers, as defined in this section. These personnel shall practice:

1. In a county with a population density of no greater than 100 persons per square mile; or

2. Within the boundaries of a hospital tax district which encompasses a population of no greater than 100 persons per square mile.

If the department administers a federal loan repayment program, priority shall be given to obligating state and federal matching funds pursuant to paragraphs (a) and (b). The department may use federal matching funds in other health workforce shortage areas and medically underserved areas in the state for loan repayment programs for primary care physicians, physician assistants, certified nurse midwives, nurse practitioners, and nurses who are employed by publicly financed health care programs that serve medically indigent persons.

Section 984. Subsection (3) of section 395.605, Florida Statutes, is amended to read:

395.605 Emergency care hospitals.--

(3) For the purpose of participation in the Medical Education Reimbursement and Loan Repayment Program as defined in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive programs designed to relieve medical workforce shortages, the department shall treat emergency care hospitals in the same

manner as rural hospitals.

Section 985. Subsection (3) of section 397.405, Florida Statutes, is amended to read:

397.405 Exemptions from licensure.--The following are exempt from the licensing provisions of this chapter:

(3) A substance abuse education program established pursuant to s. 1003.42 ~~233.061~~.

The exemptions from licensure in this section do not apply to any facility or entity which receives an appropriation, grant, or contract from the state to operate as a service provider as defined in this chapter or to any substance abuse program regulated pursuant to s. 397.406. No provision of this chapter shall be construed to limit the practice of a physician licensed under chapter 458 or chapter 459, a psychologist licensed under chapter 490, or a psychotherapist licensed under chapter 491, providing outpatient or inpatient substance abuse treatment to a voluntary patient, so long as the physician, psychologist, or psychotherapist does not represent to the public that he or she is a licensed service provider under this act. Failure to comply with any requirement necessary to maintain an exempt status under this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 986. Subsection (4) of section 397.451, Florida Statutes, is amended to read:

397.451 Background checks of service provider personnel who have direct contact with unmarried minor clients or clients who are developmentally disabled.--

(4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR RECHECKED.--Service provider personnel who have been

fingerprinted or had their backgrounds checked pursuant to chapter 393, chapter 394, chapter 402, or chapter 409, or this section, and teachers who have been fingerprinted pursuant to chapter 1012 ~~231~~, who have not been unemployed for more than 90 days thereafter and who, under the penalty of perjury, attest to the completion of such fingerprinting or background checks and to compliance with the provisions of this section and the standards contained in chapter 435 and this section, are not required to be refingerprinted or rechecked in order to comply with service provider personnel fingerprinting or background check requirements.

Section 987. Paragraph (h) of subsection (2) of section 397.951, Florida Statutes, is amended to read:

397.951 Treatment and sanctions.--The Legislature recognizes that the integration of treatment and sanctions greatly increases the effectiveness of substance abuse treatment. It is the responsibility of the department and the substance abuse treatment provider to employ the full measure of sanctions available to require participation and completion of treatment to ensure successful outcomes for children in substance abuse treatment.

(2) The department shall ensure that substance abuse treatment providers employ any and all appropriate available sanctions necessary to engage, motivate, and maintain a child in treatment, including, but not limited to, provisions in law that:

(h) Provide that the use, possession, or sale of controlled substances, as defined in chapter 893, or possession of electronic telephone pagers, by any student while such student is upon school property or in attendance at a school function is grounds for disciplinary action by the

school and may also result in criminal penalties being imposed pursuant to s. 1006.09(1)-(4) ~~232.26~~.

Section 988. Subsection (2), (4), and (7) of section 402.22, Florida Statutes, are amended to read:

402.22 Education program for students who reside in residential care facilities operated by the Department of Children and Family Services.--

(2) District school boards shall establish educational programs for all students ages 5 through 18 under the residential care of the Department of Children and Family Services and may provide for students below age 3 as provided for in s. 1003.21(1)(e) ~~232.01(1)(e)~~. Funding of such programs shall be pursuant to s. 1011.62 ~~236.081~~.

(4) Students age 18 and under who are under the residential care of the Department of Children and Family Services and who receive an education program shall be calculated as full-time equivalent student membership in the appropriate cost factor as provided for in s. 1011.62(1)(c) ~~236.081(1)(c)~~. Residential care facilities of the Department of Children and Family Services shall include, but not be limited to, developmental services institutions and state mental health facilities. All students shall receive their education program from the district school system, and funding shall be allocated through the Florida Education Finance Program for the district school system.

(7) Notwithstanding the provisions of s. 1001.42(4)(n) ~~230.23(4)(n)~~, the educational program at the Marianna Sunland Center in Jackson County shall be operated by the Department of Education, either directly or through grants or contractual agreements with other public educational agencies. The annual state allocation to any such agency shall be computed pursuant

1 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and
2 allocated in the amount that would have been provided the
3 local school district in which the residential facility is
4 located.
5 Section 989. Subsection (3) of section 402.302,
6 Florida Statutes, is amended to read:
7 402.302 Definitions.--
8 (3) "Child care personnel" means all owners,
9 operators, employees, and volunteers working in a child care
10 facility. The term does not include persons who work in a
11 child care facility after hours when children are not present
12 or parents of children in Head Start. For purposes of
13 screening, the term includes any member, over the age of 12
14 years, of a child care facility operator's family, or person,
15 over the age of 12 years, residing with a child care facility
16 operator if the child care facility is located in or adjacent
17 to the home of the operator or if the family member of, or
18 person residing with, the child care facility operator has any
19 direct contact with the children in the facility during its
20 hours of operation. Members of the operator's family or
21 persons residing with the operator who are between the ages of
22 12 years and 18 years shall not be required to be
23 fingerprinted but shall be screened for delinquency records.
24 For purposes of screening, the term shall also include persons
25 who work in child care programs which provide care for
26 children 15 hours or more each week in public or nonpublic
27 schools, summer day camps, family day care homes, or those
28 programs otherwise exempted under s. 402.316. The term does
29 not include public or nonpublic school personnel who are
30 providing care during regular school hours, or after hours for
31 activities related to a school's program for grades

kindergarten through 12 ~~as required under chapter 232~~. A volunteer who assists on an intermittent basis for less than 40 hours per month is not included in the term "personnel" for the purposes of screening and training, provided that the volunteer is under direct and constant supervision by persons who meet the personnel requirements of s. 402.305(2). Students who observe and participate in a child care facility as a part of their required coursework shall not be considered child care personnel, provided such observation and participation are on an intermittent basis and the students are under direct and constant supervision of child care personnel.

Section 990. Section 402.3057, Florida Statutes, is amended to read:

402.3057 Persons not required to be refingerprinted or rescreened.--Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and 409, and teachers and noninstructional personnel who have been fingerprinted pursuant to chapter 1012 ~~231~~, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 991. Paragraphs (a) and (b) of subsection (3) of section 409.145, Florida Statutes, are amended to read:

Amendment No. ___ (for drafter's use only)

409.145 Care of children.--

(3)(a) The department is authorized to continue to provide the services of the children's foster care program to individuals 18 to 21 years of age who are enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time career education program, and to continue to provide services of the children's foster care program to individuals 18 to 23 years of age who are enrolled full-time in a postsecondary educational institution granting a degree, a certificate, or an applied technology diploma, if the following requirements are met:

1. The individual was committed to the legal custody of the department for placement in foster care as a dependent child;

2. All other resources have been thoroughly explored, and it can be clearly established that there are no alternative resources for placement; and

3. A written service agreement which specifies responsibilities and expectations for all parties involved has been signed by a representative of the department, the individual, and the foster parent or licensed child-caring agency providing the placement resources.

(b) The services of the foster care program shall continue for those individuals 18 to 21 years of age only for the period of time the individual is continuously enrolled in high school, in a program leading to a high school equivalency diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time career education program; and shall continue for those individuals 18 to 23 years of age only for the period of time the individual is continuously enrolled full-time in a

postsecondary educational institution granting a degree, a certificate, or an applied technology diploma. Services shall be terminated upon completion of or withdrawal or permanent expulsion from high school, the program leading to a high school equivalency diploma, the full-time career and technical education program, or the postsecondary educational institution granting a degree, a certificate, or an applied technology diploma. In addition, the department may, based upon the availability of funds, provide assistance to those individuals who leave foster care when they attain 18 years of age and subsequently request assistance prior to their 21st birthday. The following are examples of assistance that may be provided: referrals for employment, services for educational or career ~~vocational~~ development, and housing assistance.

Section 992. Section 409.1757, Florida Statutes, is amended to read:

409.1757 Persons not required to be refingerprinted or rescreened.--Any provision of law to the contrary notwithstanding, human resource personnel who have been fingerprinted or screened pursuant to chapters 393, 394, 397, 402, and this chapter, and teachers who have been fingerprinted pursuant to chapter 1012 ~~231~~, who have not been unemployed for more than 90 days thereafter, and who under the penalty of perjury attest to the completion of such fingerprinting or screening and to compliance with the provisions of this section and the standards for good moral character as contained in such provisions as ss. 110.1127(3), 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be required to be refingerprinted or rescreened in order to comply with any caretaker screening or fingerprinting requirements.

Section 993. Subsections (1) and (2) of section 409.2598, Florida Statutes, are amended to read:

409.2598 Suspension or denial of new or renewal licenses; registrations; certifications.--

(1) The Title IV-D agency may petition the court that entered the support order or the court that is enforcing the support order to deny or suspend the license, registration, or certificate issued under ~~chapter 231,~~ chapter 370, chapter 372, chapter 409, chapter 455, chapter 456, chapter 559, chapter 1012, s. 328.42, or s. 597.010 of any obligor with a delinquent support obligation or who fails, after receiving appropriate notice, to comply with subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or support proceedings. However, a petition may not be filed until the Title IV-D agency has exhausted all other available remedies. The purpose of this section is to promote the public policy of the state as established in s. 409.2551.

(2) The Title IV-D agency is authorized to screen all applicants for new or renewal licenses, registrations, or certificates and current licenses, registrations, or certificates and current licensees, registration holders, and certificateholders of all licenses, registrations, and certificates issued under ~~chapter 231,~~ chapter 370, ~~chapter 372,~~ chapter 409, chapter 455, chapter 456, ~~or~~ chapter 559, chapter 1012, or s. 328.42 to ensure compliance with any support obligation and any subpoenas, orders to appear, orders to show cause, or similar orders relating to paternity or support proceedings. If the Title IV-D agency determines that an applicant, licensee, registration holder, or certificateholder is an obligor who is delinquent on a support obligation or who is not in compliance with a subpoena, order

to appear, order to show cause, or similar order relating to paternity or support proceedings, the Title IV-D agency shall certify the delinquency pursuant to s. 61.14.

Section 994. Subsections (1) and (6) of section 409.9071, Florida Statutes, as amended by section 2 of chapter 97-168, Laws of Florida, are amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.--

(1) The agency shall submit a state plan amendment by September 1, 1997, for the purpose of obtaining federal authorization to reimburse school-based services as provided in <u>former</u> s. 236.0812 pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13). For purposes of this section, billing agent consulting services shall be considered billing agent services, as that term is used in s. 409.913(9), and, as such, payments to such persons shall not be based on amounts for which they bill nor based on the amount a provider receives from the Medicaid program. This provision shall not restrict privatization of Medicaid school-based services. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures and shall allow for certification of state and local education funds which have been provided for school-based services as specified in s. <u>1011.70</u> ~~236.0812~~ and authorized by a physician's order where required by federal Medicaid law. Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for both Medicaid and part B or part H of the Individuals with Disabilities Education Act (IDEA), or the exceptional student education program, or who have an

individualized educational plan.

(6) Retroactive reimbursements for services as specified in former s. 236.0812 as of July 1, 1996, including reimbursement for the 1995-1996 and 1996-1997 school years, subject to federal approval.

Section 995. Subsection (1) of section 409.9071, Florida Statutes, as amended by sections 13 and 18 of chapter 97-263, Laws of Florida, is amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.--

(1) Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures to allow for certification of state and local education funds which have been provided for services as authorized in s. 1011.70 ~~236.0812~~. Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for Medicaid and who have an individualized educational plan that demonstrates that such services are medically necessary and a physician authorization order if required by federal Medicaid laws.

Section 996. Subsection (21) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.--Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057,

and other mechanisms the agency considers efficient and effective for purchasing services or goods on behalf of recipients. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(21) The agency shall reimburse school districts which certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and 409.9071 for the federal portion of the school district's allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 1011.70 ~~236.0812~~ and 409.9071 for which the state match will be certified. Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the federal Health Care Financing Administration. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. Any employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines

shall be exempt from any agency requirements relating to criminal background checks.

Section 997. Paragraph (a) of subsection (2) of section 409.9122, Florida Statutes, is amended to read:

409.9122 Mandatory Medicaid managed care enrollment; programs and procedures.--

(2)(a) The agency shall enroll in a managed care plan or MediPass all Medicaid recipients, except those Medicaid recipients who are: in an institution; enrolled in the Medicaid medically needy program; or eligible for both Medicaid and Medicare. However, to the extent permitted by federal law, the agency may enroll in a managed care plan or MediPass a Medicaid recipient who is exempt from mandatory managed care enrollment, provided that:

1. The recipient's decision to enroll in a managed care plan or MediPass is voluntary;

2. If the recipient chooses to enroll in a managed care plan, the agency has determined that the managed care plan provides specific programs and services which address the special health needs of the recipient; and

3. The agency receives any necessary waivers from the federal Health Care Financing Administration.

The agency shall develop rules to establish policies by which exceptions to the mandatory managed care enrollment requirement may be made on a case-by-case basis. The rules shall include the specific criteria to be applied when making a determination as to whether to exempt a recipient from mandatory enrollment in a managed care plan or MediPass. School districts participating in the certified school match program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall

be reimbursed by Medicaid, subject to the limitations of s. 1011.70(1) ~~236.0812(1) and (2)~~, for a Medicaid-eligible child participating in the services as authorized in s. 1011.70 ~~236.0812~~, as provided for in s. 409.9071, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with school districts regarding the coordinated provision of services authorized under s. 1011.70 ~~236.0812~~. County health departments delivering school-based services pursuant to ss. 381.0056 and 381.0057 shall be reimbursed by Medicaid for the federal share for a Medicaid-eligible child who receives Medicaid-covered services in a school setting, regardless of whether the child is enrolled in MediPass or a managed care plan. Managed care plans shall make a good faith effort to execute agreements with county health departments regarding the coordinated provision of services to a Medicaid-eligible child. To ensure continuity of care for Medicaid patients, the agency, the Department of Health, and the Department of Education shall develop procedures for ensuring that a student's managed care plan or MediPass provider receives information relating to services provided in accordance with ss. ~~236.0812,~~ 381.0056, 381.0057, ~~and~~ 409.9071, and 1011.70.

Section 998. Paragraph (d) of subsection (5) and subsection (10) of section 411.01, Florida Statutes, are amended to read:

411.01 Florida Partnership for School Readiness; school readiness coalitions.--

(5) CREATION OF SCHOOL READINESS COALITIONS.--

(d) Implementation.--

1. The school readiness program is to be phased in.

Until the coalition implements its plan, the county shall continue to receive the services identified in subsection (3) through the various agencies that would be responsible for delivering those services under current law. Plan implementation is subject to approval of the coalition and the plan by the Florida Partnership for School Readiness.

2. Each school readiness coalition shall develop a plan for implementing the school readiness program to meet the requirements of this section and the performance standards and outcome measures established by the partnership. The plan must include a written description of the role of the program in the coalition's effort to meet the first state education goal, readiness to start school, including a description of the plan to involve the prekindergarten early intervention programs, Head Start Programs, programs offered by public or private providers of child care, preschool programs for children with disabilities, programs for migrant children, Title I programs, subsidized child care programs, and teen parent programs. The plan must also demonstrate how the program will ensure that each 3-year-old and 4-year-old child in a publicly funded school readiness program receives scheduled activities and instruction designed to prepare children to enter kindergarten ready to learn. Prior to implementation of the program, the school readiness coalition must submit the plan to the partnership for approval. The partnership may approve the plan, reject the plan, or approve the plan with conditions. The Florida Partnership for School Readiness shall review coalition plans at least annually.

3. The plan for the school readiness program must include the following minimum standards and provisions:

a. A sliding fee scale establishing a copayment for

parents based upon their ability to pay, which is the same for all program providers, to be implemented and reflected in each program's budget.

b. A choice of settings and locations in licensed, registered, religious-exempt, or school-based programs to be provided to parents.

c. Instructional staff who have completed the training course as required in s. 402.305(2)(d)1., as well as staff who have additional training or credentials as required by the partnership. The plan must provide a method for assuring the qualifications of all personnel in all program settings.

d. Specific eligibility priorities for children within the coalition's county pursuant to subsection (6).

e. Performance standards and outcome measures established by the partnership or alternatively, standards and outcome measures to be used until such time as the partnership adopts such standards and outcome measures.

f. Reimbursement rates that have been developed by the coalition. Reimbursement rates shall not have the effect of limiting parental choice or creating standards or levels of services that have not been authorized by the Legislature.

g. Systems support services, including a central agency, child care resource and referral, eligibility determinations, training of providers, and parent support and involvement.

h. Direct enhancement services to families and children. System support and direct enhancement services shall be in addition to payments for the placement of children in school readiness programs.

i. A business plan, which must include the contract with a school readiness agent if the coalition is not a

legally established corporate entity. Coalitions may contract with other coalitions to achieve efficiency in multiple-county services, and such contracts may be part of the coalition's business plan.

j. Strategies to meet the needs of unique populations, such as migrant workers.

As part of the plan, the coalition may request the Governor to apply for a waiver to allow the coalition to administer the Head Start Program to accomplish the purposes of the school readiness program. If any school readiness plan can demonstrate that specific statutory goals can be achieved more effectively by using procedures that require modification of existing rules, policies, or procedures, a request for a waiver to the partnership may be made as part of the plan. Upon review, the partnership may grant the proposed modification.

4. Persons with an early childhood teaching certificate may provide support and supervision to other staff in the school readiness program.

5. The coalition may not implement its plan until it submits the plan to and receives approval from the partnership. Once the plan has been approved, the plan and the services provided under the plan shall be controlled by the coalition rather than by the state agencies or departments. The plan shall be reviewed and revised as necessary, but at least biennially.

6. The following statutes will not apply to local coalitions with approved plans: ss. 125.901(2)(a)3., 411.221, and 411.232. To facilitate innovative practices and to allow local establishment of school readiness programs, a school

readiness coalition may apply to the Governor and Cabinet for a waiver of, and the Governor and Cabinet may waive, any of the provisions of ss. ~~230.23166,~~ 411.223, ~~and~~ 411.232, and 1003.54 if the waiver is necessary for implementation of the coalition's school readiness plan.

7. Two or more counties may join for the purpose of planning and implementing a school readiness program.

8. A coalition may, subject to approval of the partnership as part of the coalition's plan, receive subsidized child care funds for all children eligible for any federal subsidized child care program and be the provider of the program services.

9. Coalitions are authorized to enter into multiparty contracts with multicounty service providers in order to meet the needs of unique populations such as migrant workers.

(10) SCHOOL READINESS UNIFORM SCREENING.--The Department of Education shall implement a school readiness uniform screening, including a pilot program during the 2001-2002 school year, to validate the system recommended by the Florida Partnership for School Readiness as part of a comprehensive evaluation design. Beginning with the 2002-2003 school year, the department shall require that all school districts administer the school readiness uniform screening to each kindergarten student in the district school system upon the student's entry into kindergarten. Children who enter public school for the first time in first grade must undergo a uniform screening adopted for use in first grade. The department shall incorporate school readiness data into the K-20 data warehouse for longitudinal tracking. Notwithstanding s. 1002.22 ~~228.093~~, the department shall provide the partnership and the Agency for Workforce Innovation with

complete and full access to kindergarten uniform screening data at the student, school, district, and state levels in a format that will enable the partnership and the agency to prepare reports needed by state policymakers and local school readiness coalitions to access progress toward school readiness goals and provide input for continuous improvement of local school readiness services and programs.

Section 999. Paragraph (f) of subsection (8) of section 411.203, Florida Statutes, is amended to read:

411.203 Continuum of comprehensive services.--The Department of Education and the Department of Health and Rehabilitative Services shall utilize the continuum of prevention and early assistance services for high-risk pregnant women and for high-risk and handicapped children and their families, as outlined in this section, as a basis for the intraagency and interagency program coordination, monitoring, and analysis required in this chapter. The continuum shall be the guide for the comprehensive statewide approach for services for high-risk pregnant women and for high-risk and handicapped children and their families, and may be expanded or reduced as necessary for the enhancement of those services. Expansion or reduction of the continuum shall be determined by intraagency or interagency findings and agreement, whichever is applicable. Implementation of the continuum shall be based upon applicable eligibility criteria, availability of resources, and interagency prioritization when programs impact both agencies, or upon single agency prioritization when programs impact only one agency. The continuum shall include, but not be limited to:

(8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS OF HIGH-RISK CHILDREN.--

(f) Parent support groups, such as the community resource mother or father program as established in s. 402.45, ~~the Florida First Start Program as established in s. 230.2303,~~ or parents as first teachers, to strengthen families and to enable families of high-risk children to better meet their needs.

Section 1000. Subsection (2) of section 411.223, Florida Statutes, is amended to read:

411.223 Uniform standards.--

(2) Duplicative diagnostic and planning practices shall be eliminated to the extent possible. Diagnostic and other information necessary to provide quality services to high-risk or handicapped children shall be shared among the program offices of the Department of Children and Family Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

Section 1001. Subsection (1) of section 414.1251, Florida Statutes, is amended to read:

414.1251 Learnfare program.--

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s. 1003.01(9) ~~228.041(29)~~. For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a

public school, receives a high school diploma or its equivalency, enrolls in preparation for the General Educational Development Tests, or enrolls in other educational activities approved by the district school board. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

Section 1002. Paragraph (c) of subsection (1) of section 440.16, Florida Statutes, is amended to read:

440.16 Compensation for death.--

(1) If death results from the accident within 1 year thereafter or follows continuous disability and results from the accident within 5 years thereafter, the employer shall pay:

(c) To the surviving spouse, payment of postsecondary student fees for instruction at any area technical center established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom hours or payment of student fees at any community college established under part III of chapter 1004 ~~240~~ for up to 80 semester hours. The spouse of a deceased state employee shall

be entitled to a full waiver of such fees as provided in ss. 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of such fees. The benefits provided for in this paragraph shall be in addition to other benefits provided for in this section and shall terminate 7 years after the death of the deceased employee, or when the total payment in eligible compensation under paragraph (b) has been received. To qualify for the educational benefit under this paragraph, the spouse shall be required to meet and maintain the regular admission requirements of, and be registered at, such area technical center or community college, and make satisfactory academic progress as defined by the educational institution in which the student is enrolled.

Section 1003. Paragraph (e) of subsection (6) and paragraph (e) of subsection (9) of section 445.004, Florida Statutes, are amended to read:

445.004 Workforce Florida, Inc.; creation; purpose; membership; duties and powers.--

(6) Workforce Florida, Inc., may take action that it deems necessary to achieve the purposes of this section, including, but not limited to:

(e) Providing policy direction for a system to project and evaluate labor market supply and demand using the results of the Workforce Estimating Conference created in s. 216.136 and the career education performance standards identified under s. 1008.43 ~~239.233~~.

(9) Workforce Florida, Inc., in collaboration with the regional workforce boards and appropriate state agencies and local public and private service providers, and in consultation with the Office of Program Policy Analysis and Government Accountability, shall establish uniform measures

and standards to gauge the performance of the workforce development strategy. These measures and standards must be organized into three outcome tiers.

(e) Job placement must be reported pursuant to s. 1008.39 ~~229.8075~~. Positive outcomes for providers of education and training must be consistent with ss. 1008.42 ~~239.233~~ and 1008.43 ~~239.245~~.

Section 1004. Paragraph (a) of subsection (1) of section 445.0121, Florida Statutes, is amended to read:

445.0121 Student eligibility requirements for initial awards.--

(1) To be eligible for an initial award for lower-division college credit courses that lead to a baccalaureate degree, as defined in s. 445.0122(5), a student must:

(a)1. Have been a resident of this state for no less than 3 years for purposes other than to obtain an education; or

2. Have received a standard Florida high school diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent, as described in s. 229.814, unless:

a. The student is enrolled full-time in the early-admission program of an eligible postsecondary education institution or completes a home education program in accordance with s. 1002.41 ~~232.0201~~; or

b. The student earns a high school diploma from a non-Florida school while living with a parent or guardian who is on military or public service assignment outside this state.

Section 1005. Paragraph (i) of subsection (1) of section 445.024, Florida Statutes, is amended to read:

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445.024 Work requirements.--

(1) WORK ACTIVITIES.--The following activities may be used individually or in combination to satisfy the work requirements for a participant in the temporary cash assistance program:

(i) Education services related to employment for participants 19 years of age or younger.--Education services provided under this paragraph are designed to prepare a participant for employment in an occupation. The agency shall coordinate education services with the school-to-work activities provided under s. 1006.02 ~~229.595~~. Activities provided under this paragraph are restricted to participants 19 years of age or younger who have not completed high school or obtained a high school equivalency diploma.

Section 1006. Subsection (2), paragraph (i) of subsection (3), paragraph (a) of subsection (4), subsection (10), and subsection (18) of section 447.203, Florida Statutes, are amended to read:

447.203 Definitions.--As used in this part:

(2) "Public employer" or "employer" means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the university board of trustees ~~Board of Regents~~ shall be deemed to be the public employer with respect to all public employees of the respective state university

~~within the State University System as provided in s. 240.209(3)(f), except that such employees shall have the right, in elections to be conducted at each university by the commission pursuant to its rules, to elect not to participate in collective bargaining. In the event that a majority of such voting employees at any university elect not to participate in collective bargaining, they shall be removed from the applicable Board of Regents bargaining unit. If, thereafter, by election conducted by the commission pursuant to its rules, a majority of such voting employees elect to participate in collective bargaining, they shall be included again in the applicable Board of Regents bargaining unit for such purpose~~. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional Education Program of the Department of Corrections established pursuant to s. 944.801.

(3) "Public employee" means any person employed by a public employer except:

(i) Those persons enrolled as ~~graduate students in the State University System who are employed as graduate assistants, graduate teaching assistants, graduate teaching associates, graduate research assistants, or graduate research associates and those persons enrolled as~~ undergraduate

students in a state university ~~the State University System~~ who perform part-time work for the state university ~~State University System~~.

(4) "Managerial employees" are those employees who:

(a) Perform jobs that are not of a routine, clerical, or ministerial nature and require the exercise of independent judgment in the performance of such jobs and to whom one or more of the following applies:

1. They formulate or assist in formulating policies which are applicable to bargaining unit employees.

2. They may reasonably be required on behalf of the employer to assist in the preparation for the conduct of collective bargaining negotiations.

3. They have a role in the administration of agreements resulting from collective bargaining negotiations.

4. They have a significant role in personnel administration.

5. They have a significant role in employee relations.

6. They are included in the definition of administrative personnel contained in s. 1012.01(3) ~~228.041(10)~~.

7. They have a significant role in the preparation or administration of budgets for any public agency or institution or subdivision thereof.

However, in determining whether an individual is a managerial employee pursuant to either paragraph (a) or paragraph (b), above, the commission may consider historic relationships of the employee to the public employer and to coemployees.

(10) "Legislative body" means the State Legislature, the board of county commissioners, the district school board,

the governing body of a municipality, or the governing body of an instrumentality or unit of government having authority to appropriate funds and establish policy governing the terms and conditions of employment and which, as the case may be, is the appropriate legislative body for the bargaining unit. For purposes of s. 447.403, the state university board of trustees shall be deemed to be the legislative body with respect to all employees of the state university. For purposes of s. 447.403 the board of trustees of a community college shall be deemed to be the legislative body with respect to all employees of the community college.

(18) "Student representative" means the representative selected by each community college or university student government association ~~and the council of student body presidents~~. Each representative may be present at all negotiating sessions that ~~which~~ take place between the appropriate public employer and an exclusive bargaining agent. The ~~Said~~ representative must ~~shall~~ be enrolled as a student with at least 8 credit hours in the respective community college or university ~~or in the State University System~~ during his or her term as student representative.

Section 1007. Subsection (5) of section 447.301, Florida Statutes, is amended to read:

447.301 Public employees' rights; organization and representation.--

(5) ~~In negotiations over the terms and conditions of service and other matters affecting the working environment of employees, or the learning environment of students, in institutions of higher education, one student representative selected by the council of student body presidents may, at his or her discretion, be present at all negotiating sessions~~

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~~which take place between the Board of Regents and the bargaining agent for an employee bargaining unit.~~ In the case of community colleges and universities, the student government association of each community college or university shall establish procedures for the selection of, and shall select, a student representative to be present, at his or her discretion, at negotiations between the bargaining agent of the employees and the board of trustees. Each student representative shall have access to all written draft agreements and all other written documents pertaining to negotiations exchanged by the appropriate public employer and the bargaining agent, including a copy of any prepared written transcripts of any negotiating session. Each student representative shall have the right at reasonable times during the negotiating session to comment to the parties and to the public upon the impact of proposed agreements on the educational environment of students. Each student representative shall have the right to be accompanied by alternates or aides, not to exceed a combined total of two in number. Each student representative shall be obligated to participate in good faith during all negotiations and shall be subject to the rules and regulations of the Public Employees Relations Commission. The student representatives shall have neither voting nor veto power in any negotiation, action, or agreement. The state or any branch, agency, division, agent, or institution of the state, including community colleges and universities, may ~~shall~~ not expend any moneys from any source for the payment of reimbursement for travel expenses or per diem to aides, alternates, or student representatives participating in, observing, or contributing to any negotiating sessions between the bargaining parties~~; however,~~

~~this limitation does not apply to the use of student activity fees for the reimbursement of travel expenses and per diem to the university student representative, aides, or alternates participating in the aforementioned negotiations between the Board of Regents and the bargaining agent for an employee bargaining unit~~.

Section 1008. Subsection (4) of section 447.403, Florida Statutes, is amended to read:

447.403 Resolution of impasses.--

(4) If ~~In the event that either~~ the public employer or the employee organization does not accept, in whole or in part, the recommended decision of the special master:

(a) The chief executive officer of the governmental entity involved shall, within 10 days after rejection of a recommendation of the special master, submit to the legislative body of the governmental entity involved a copy of the findings of fact and recommended decision of the special master, together with the chief executive officer's recommendations for settling the disputed impasse issues. The chief executive officer shall also transmit his or her recommendations to the employee organization~~. If the dispute involves employees for whom the Board of Regents is the public employer, the Governor may also submit recommendations to the legislative body for settling The disputed impasse issues~~;

(b) The employee organization shall submit its recommendations for settling the disputed impasse issues to such legislative body and to the chief executive officer;

(c) The legislative body or a duly authorized committee thereof shall forthwith conduct a public hearing at which the parties shall be required to explain their positions with respect to the rejected recommendations of the special

master;

(d) Thereafter, the legislative body shall take such action as it deems to be in the public interest, including the interest of the public employees involved, to resolve all disputed impasse issues; and

(e) Following the resolution of the disputed impasse issues by the legislative body, the parties shall reduce to writing an agreement which includes those issues agreed to by the parties and those disputed impasse issues resolved by the legislative body's action taken pursuant to paragraph (d). The agreement shall be signed by the chief executive officer and the bargaining agent and shall be submitted to the public employer and to the public employees who are members of the bargaining unit for ratification. If such agreement is not ratified by all parties, pursuant to the provisions of s. 447.309, the legislative body's action taken pursuant to the provisions of paragraph (d) shall take effect as of the date of such legislative body's action for the remainder of the first fiscal year which was the subject of negotiations; however, the legislative body's action shall not take effect with respect to those disputed impasse issues which establish the language of contractual provisions which could have no effect in the absence of a ratified agreement, including, but not limited to, preambles, recognition clauses, and duration clauses.

Section 1009. Paragraph (b) of subsection (5) of section 450.081, Florida Statutes, is amended to read:

450.081 Hours of work in certain occupations.--

(5) The provisions of subsections (1)-(4) shall not apply to:

(b) Minors who are within the compulsory school

attendance age limit who hold a valid certificate of exemption issued by the school superintendent or his or her designee pursuant to the provisions of s. 1003.21(3) ~~232.06~~.

Section 1010. Subsection (2) of section 450.121, Florida Statutes, is amended to read:

450.121 Enforcement of Child Labor Law.--

(2) It is the duty of the department and its agents and all sheriffs or other law enforcement officers of the state or of any municipality of the state to enforce the provisions of this law, to make complaints against persons violating its provisions, and to prosecute violations of the same. The department and its agents have authority to enter and inspect at any time any place or establishment covered by this law and to have access to age certificates kept on file by the employer and such other records as may aid in the enforcement of this law. A designated school representative acting in accordance with s. 1003.26 ~~232.17~~ shall report to the department all violations of the Child Labor Law that may come to his or her knowledge.

Section 1011. Subsection (4) of section 458.3145, Florida Statutes, is amended to read:

458.3145 Medical faculty certificate.--

(4) In any year, the maximum number of extended medical faculty certificateholders as provided in subsection (2) may not exceed 15 persons at each institution named in subparagraphs (1)(i)1.-4. and at the facility named in s. 1004.43 ~~240.512~~ and may not exceed 5 persons at the institution named in subparagraph (1)(i)5.

Section 1012. Subsection (1) and paragraph (a) of subsection (2) of section 458.324, Florida Statutes, are amended to read:

Amendment No. ___ (for drafter's use only)

458.324 Breast cancer; information on treatment alternatives.--

(1) DEFINITION.--As used in this section, the term "medically viable," as applied to treatment alternatives, means modes of treatment generally considered by the medical profession to be within the scope of current, acceptable standards, including treatment alternatives described in the written summary prepared by the Florida Cancer Control and Research Advisory Council in accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~.

(2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each physician treating a patient who is, or in the judgment of the physician is at high risk of being, diagnosed as having breast cancer shall inform such patient of the medically viable treatment alternatives available to such patient; shall describe such treatment alternatives; and shall explain the relative advantages, disadvantages, and risks associated with the treatment alternatives to the extent deemed necessary to allow the patient to make a prudent decision regarding such treatment options. In compliance with this subsection:

(a) The physician may, in his or her discretion:

1. Orally communicate such information directly to the patient or the patient's legal representative;

2. Provide the patient or the patient's legal representative with a copy of the written summary prepared in accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express a willingness to discuss the summary with the patient or the patient's legal representative; or

3. Both communicate such information directly and provide a copy of the written summary to the patient or the patient's legal representative for further consideration and

possible later discussion.

Nothing in this subsection shall reduce other provisions of law regarding informed consent.

Section 1013. Subsection (1) and paragraph (a) of subsection (2) of section 459.0125, Florida Statutes, are amended to read:

459.0125 Breast cancer; information on treatment alternatives.--

(1) DEFINITION.--As used in this section, the term "medically viable," as applied to treatment alternatives, means modes of treatment generally considered by the medical profession to be within the scope of current, acceptable standards, including treatment alternatives described in the written summary prepared by the Florida Cancer Control and Research Advisory Council in accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~.

(2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is the obligation of every physician treating a patient who is, or in the judgment of the physician is at high risk of being, diagnosed as having breast cancer to inform such patient of the medically viable treatment alternatives available to such patient; to describe such treatment alternatives; and to explain the relative advantages, disadvantages, and risks associated with the treatment alternatives to the extent deemed necessary to allow the patient to make a prudent decision regarding such treatment options. In compliance with this subsection:

(a) The physician may, in her or his discretion:

1. Orally communicate such information directly to the patient or the patient's legal representative;

2. Provide the patient or the patient's legal representative with a copy of the written summary prepared in accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express her or his willingness to discuss the summary with the patient or the patient's legal representative; or

3. Both communicate such information directly and provide a copy of the written summary to the patient or the patient's legal representative for further consideration and possible later discussion.

Nothing in this subsection shall reduce other provisions of law regarding informed consent.

Section 1014. Paragraph (c) of subsection (2) of section 468.1115, Florida Statutes, is amended to read:

468.1115 Exemptions.--

(2) The provisions of this part shall not apply to:

(c) Persons certified in the areas of speech-language impairment or hearing impairment in this state under chapter 1012 ~~231~~ when engaging in the profession for which they are certified, or any person under the direct supervision of such a certified person, or of a licensee under this chapter, when the person under such supervision is performing hearing screenings in a school setting for prekindergarten through grade 12.

Section 1015. Section 468.607, Florida Statutes, is amended to read:

468.607 Certification of building code administration and inspection personnel.--The board shall issue a certificate to any individual whom the board determines to be qualified, within such class and level as provided in this part and with such limitations as the board may place upon it. No person

may be employed by a state agency or local governmental authority to perform the duties of a building code administrator, plans examiner, or building code inspector after October 1, 1993, without possessing the proper valid certificate issued in accordance with the provisions of this part. Any person who acts as an inspector and plans examiner under s. 1013.37 ~~235.26~~ while conducting activities authorized by certification under that section is certified to continue to conduct inspections for a local enforcement agency until the person's UBCI certification expires, after which time such person must possess the proper valid certificate issued in accordance with this part.

Section 1016. Subsection (3) of section 468.723, Florida Statutes, is amended to read:

468.723 Exemptions.--Nothing in this part shall be construed as preventing or restricting:

(3) A person employed as a teacher apprentice trainer I, a teacher apprentice trainer II, or a teacher athletic trainer under s. 1012.46 ~~232.435~~.

Section 1017. Section 471.0035, Florida Statutes, is amended to read:

471.0035 Instructors in postsecondary educational institutions; exemption from registration requirement.--For the sole purpose of teaching the principles and methods of engineering design, notwithstanding the provisions of s. 471.005(7), a person employed by a public postsecondary educational institution, or by an independent postsecondary educational institution licensed or exempt from licensure pursuant to the provisions of chapter 1005 ~~246~~, is not required to register under the provisions of this chapter as a registered engineer.

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Section 1018. Paragraph (c) of subsection (2) of section 476.114, Florida Statutes, is amended to read:

476.114 Examination; prerequisites.--

(2) An applicant shall be eligible for licensure by examination to practice barbering if the applicant:

(c)1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); or

2. Has received a minimum of 1,200 hours of training as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

a. A school of barbering licensed pursuant to chapter 1005 ~~246~~;

b. A barbering program within the public school system; or

c. A government-operated barbering program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person passes the examination, she or he shall have satisfied this requirement; but if the person fails the examination, she or he shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

Section 1019. Paragraph (a) of subsection (6) of section 476.144, Florida Statutes, is amended to read:

476.144 Licensure.--

(6) A person may apply for a restricted license to practice barbering. The board shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the board, at a school of barbering licensed pursuant to chapter 1005 ~~246~~, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c)2. for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board.

Section 1020. Section 476.178, Florida Statutes, is amended to read:

476.178 Schools of barbering; licensure.--No private school of barbering shall be permitted to operate without a license issued by the Commission for Independent ~~State Board of Nonpublic Career~~ Education pursuant to chapter 1005 ~~246~~. However, this section shall not be construed to prevent certification by the Department of Education of barber training programs within the public school system or to

prevent government operation of any other program of barbering in this state.

Section 1021. Paragraph (d) of subsection (1) of section 477.0132, Florida Statutes, is amended to read:

477.0132 Hair braiding, hair wrapping, and body wrapping registration.--

(1)

(d) Only the board may review, evaluate, and approve a course required of an applicant for registration under this subsection in the occupation or practice of hair braiding, hair wrapping, or body wrapping. A provider of such a course is not required to hold a license under chapter 1005 ~~246~~.

Section 1022. Paragraph (c) of subsection (2) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.--

(2) An applicant shall be eligible for licensure by examination to practice cosmetology if the applicant:

(c)1. Is authorized to practice cosmetology in another state or country, has been so authorized for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (6); or

2. Has received a minimum of 1,200 hours of training as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

a. A school of cosmetology licensed pursuant to chapter 1005 ~~246~~.

b. A cosmetology program within the public school

system.

c. The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

d. A government-operated cosmetology program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she shall have satisfied this requirement; but if the person fails the examination, he or she shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

Section 1023. Paragraph (b) of subsection (1) of section 477.0201, Florida Statutes, is amended to read:

477.0201 Specialty registration; qualifications; registration renewal; endorsement.--

(1) Any person is qualified for registration as a specialist in any one or more of the specialty practices within the practice of cosmetology under this chapter who:

(b) Has received a certificate of completion in a specialty pursuant to s. 477.013(6) from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 ~~246~~ or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology

Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

Section 1024. Section 477.023, Florida Statutes, is amended to read:

477.023 Schools of cosmetology; licensure.--No private school of cosmetology shall be permitted to operate without a license issued by the Commission for Independent ~~State Board of Nonpublic Career~~ Education pursuant to chapter 1005 ~~246~~. However, nothing herein shall be construed to prevent certification by the Department of Education of cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in this state.

Section 1025. Subsection (9) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.--As used in this act:

(9) "Board-approved massage school" means a facility which meets minimum standards for training and curriculum as determined by rule of the board and which is licensed by the Department of Education pursuant to chapter 1005 ~~246~~ or the equivalent licensing authority of another state or is within the public school system of this state.

Section 1026. Paragraph (c) of subsection (1) of section 481.229, Florida Statutes, is amended to read:

481.229 Exceptions; exemptions from licensure.--

(1) No person shall be required to qualify as an architect in order to make plans and specifications for, or supervise the erection, enlargement, or alteration of:

(c) Any other type of building costing less than $25,000, except a school, auditorium, or other building

intended for public use, provided that the services of a registered architect shall not be required for minor school projects pursuant to s. 1013.45 ~~235.211~~.

Section 1027. Section 488.01, Florida Statutes, is amended to read:

488.01 License to engage in business of operating a driver's school required.--The Department of Highway Safety and Motor Vehicles shall oversee and license all commercial driver's schools except truck driving schools. All commercial truck driving schools shall be required to be licensed pursuant to chapter 1005 ~~246~~, and additionally shall be subject to the provisions of ss. 488.04 and 488.05. No person, group, organization, institution, business entity, or corporate entity may engage in the business of operating a driver's school without first obtaining a license therefor from the Department of Highway Safety and Motor Vehicles pursuant to this chapter or from the State Board of Nonpublic Career Education pursuant to chapter 1005 ~~246~~.

Section 1028. Subsections (12) and (13) of section 553.415, Florida Statutes, are amended to read:

553.415 Factory-built school buildings.--

(12) Such identification label shall be permanently affixed by the manufacturer in the case of newly constructed factory-built school buildings, or by the department or its designee in the case of an existing factory-built building altered to comply with provisions of s. 1013.20 ~~235.061~~.

(13) As of July 1, 2001, all newly constructed factory-built school buildings shall bear a label pursuant to subsection (12). As of July 1, 2002, existing factory-built school buildings and manufactured buildings used as classrooms and not bearing such label shall not be used as classrooms

pursuant to s. 1013.20 ~~235.061~~.

Section 1029. Subsection (5) of section 559.902, Florida Statutes, is amended to read:

559.902 Scope and application.--This act shall apply to all motor vehicle repair shops in Florida, except:

(5) Those located in public schools as defined in s. 1000.04 ~~228.041~~ or charter technical career centers as defined in s. 1002.34 ~~228.505~~.

However, such person may voluntarily register under this act.

Section 1030. Section 589.09, Florida Statutes, is amended to read:

589.09 Use of lands acquired.--All lands acquired by the Division of Forestry on behalf of the state shall be in the custody of and subject to the jurisdiction, management, and control of the said division, and, for such purposes and the utilization and development of such land, the said division may use the proceeds of the sale of any products therefrom, the proceeds of the sale of any such lands, save the 25 percent of such proceeds which shall be paid into the State School Fund as required by s. 1010.71(1) ~~228.151~~, and such other funds as may be appropriated for use by the division, and in the opinion of such division, available for such uses and purposes.

Section 1031. Subsection (1) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.--

(1) Every owner or registrant of a motor vehicle, other than a motor vehicle used as a taxicab, school bus as defined in s. 1006.25 ~~234.051~~, or limousine, required to be registered and licensed in this state shall maintain security

as required by subsection (3) in effect continuously throughout the registration or licensing period.

Section 1032. Subsection (2) of section 627.742, Florida Statutes, is amended to read:

627.742 Nonpublic sector buses; additional liability insurance coverage.--

(2) School buses subject to the provisions of chapter 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this section.

Section 1033. Subsection (5) of section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers.--

(5) Any self-insurance program established under s. 1004.24 ~~240.213~~ shall report in duplicate to the Department of Insurance any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of professional services provided by the state university board of trustees ~~Board of Regents~~ through an employee or agent of the state university board of trustees ~~Board of Regents~~, including practitioners of medicine licensed under chapter 458, practitioners of osteopathic medicine licensed under chapter 459, podiatric physicians licensed under chapter 461, and dentists licensed under chapter 466, or based on a claimed performance of professional services without consent if the claim resulted in a final judgment in any amount, or a settlement in any amount. The reports required by this subsection shall contain the information required by subsection (3) and the name, address, and specialty of the employee or agent of the state university board of trustees ~~Board of Regents~~ whose performance or

professional services is alleged in the claim or action to have caused personal injury.

Section 1034. Paragraph (b) of subsection (7) of section 633.445, Florida Statutes, is amended to read:

633.445 State Fire Marshal Scholarship Grant Program.--

(7) The criteria and procedures for establishing standards of eligibility shall be recommended by the council to the Department of Insurance. The council shall recommend to the Department of Insurance a rating system upon which to base the approval of scholarship grants. However, to be eligible to receive a scholarship pursuant to this section, an applicant must:

(b) Have graduated from high school, have earned an equivalency diploma issued by the Department of Education pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency diploma issued by the United States Armed Forces Institute;

Section 1035. Paragraph (e) of subsection (1) of section 633.50, Florida Statutes, is amended to read:

633.50 Division powers and duties; Florida State Fire College.--

(1) The Division of State Fire Marshal of the Department of Insurance, in performing its duties related to the Florida State Fire College, specified in ss. 633.43-633.49, shall:

(e) Develop a staffing and funding formula for the Florida State Fire College. The formula shall include differential funding levels for various types of programs, shall be based on the number of full-time equivalent students and information obtained from scheduled attendance counts taken the first day of each program, and shall provide the

basis for the legislative budget request. As used in this section, a full-time equivalent student is equal to a minimum of 900 hours in a technical certificate ~~vocational~~ program and 400 hours in a degree-seeking program. The funding formula shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall include procedures to document daily attendance, and shall require that attendance records be retained for audit purposes.

Section 1036. Paragraph (c) of subsection (2) of section 732.402, Florida Statutes, is amended to read:

732.402 Exempt property.--

(2) Exempt property shall consist of:

(c) Florida Prepaid College Program contracts purchased ~~under s. 240.551~~ and Florida College Savings agreements established under part IV of chapter 1009 ~~s. 240.553~~.

Section 1037. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.--Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university developmental research school; a state university or any other entity of the state system of public education, as defined in s. 1000.04 ~~228.041~~; an employee or protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or

employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(1) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(2) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(3) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(4) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

Section 1038. Section 817.566, Florida Statutes, is amended to read:

817.566 Misrepresentation of association with, or academic standing at, postsecondary educational institution.--Any person who, with intent to defraud, misrepresents his or her association with, or academic standing or other progress at, any postsecondary educational institution by falsely making, altering, simulating, or forging a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper; or any person who causes or procures such a misrepresentation; or any person who utters and publishes or otherwise represents such a document, degree, certificate, diploma, award, record, letter, transcript, form, or other paper as true, knowing it to be false, is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Individuals who present a religious academic degree from any college, university, seminary, or institution which is not licensed by the State Board of Independent Colleges and Universities or which is not exempt pursuant to the provisions of s. 246.085 shall disclose the religious nature of the

degree upon presentation.

Section 1039. Subsection (1) of section 817.567, Florida Statutes, is amended to read:

817.567 Making false claims of academic degree or title.--

(1) No person in the state may claim, either orally or in writing, to possess an academic degree, as defined in s. 1005.02 ~~246.021~~, or the title associated with said degree, unless the person has, in fact, been awarded said degree from an institution that is:

(a) Accredited by a regional or professional accrediting agency recognized by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation;

(b) Provided, operated, and supported by a state government or any of its political subdivisions or by the Federal Government;

(c) A school, institute, college, or university chartered outside the United States, the academic degree from which has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

(d) Licensed by the State Board of Independent Colleges and Universities pursuant to ss. 1005.01-1005.38 ~~246.011-246.151~~ or exempt from licensure pursuant to s. 246.085; or

(e) A religious seminary, institute, college, or university which offers only educational programs that prepare students for a religious vocation, career, occupation,

profession, or lifework, and the nomenclature of whose certificates, diplomas, or degrees clearly identifies the religious character of the educational program.

Section 1040. Paragraph (a) of subsection (1) of section 877.18, Florida Statutes, is amended to read:

877.18 Identification card or document purporting to contain applicant's age or date of birth; penalties for failure to comply with requirements for sale or issuance.--

(1) It is unlawful for any person, except a governmental agency or instrumentality, to sell or issue, or to offer to sell or issue, in this state any identification card or document purporting to contain the age or date of birth of the person in whose name it was issued, unless:

(a) Prior to selling or issuing such card or document, the person has first obtained from the applicant and retains for a period of 3 years from the date of sale:

1. An authenticated or certified copy of proof of age as provided in s. 1003.21(4) ~~232.03~~; and

2. A notarized affidavit from the applicant attesting to the applicant's age and that the proof-of-age document required by subparagraph 1. is for such applicant.

Section 1041. Paragraph (a) of subsection (1) of section 921.187, Florida Statutes, is amended to read:

921.187 Disposition and sentencing; alternatives; restitution.--

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation.

(a) If the offender does not receive a state prison sentence, the court may:

1. Impose a split sentence whereby the offender is to be placed on probation upon completion of any specified period of such sentence, which period may include a term of years or less.

2. Make any other disposition that is authorized by law.

3. Place the offender on probation with or without an adjudication of guilt pursuant to s. 948.01.

4. Impose a fine and probation pursuant to s. 948.011 when the offense is punishable by both a fine and imprisonment and probation is authorized.

5. Place the offender into community control requiring intensive supervision and surveillance pursuant to chapter 948.

6. Impose, as a condition of probation or community control, a period of treatment which shall be restricted to a county facility, a Department of Corrections probation and restitution center, a probation program drug punishment treatment community, or a community residential or nonresidential facility, excluding a community correctional center as defined in s. 944.026, which is owned and operated by any qualified public or private entity providing such services. Before admission to such a facility, the court shall obtain an individual assessment and recommendations on the appropriate treatment needs, which shall be considered by the court in ordering such placements. Placement in such a facility, except for a county residential probation facility, may not exceed 364 days. Placement in a county residential probation facility may not exceed 3 years. Early termination of placement may be recommended to the court, when appropriate, by the center supervisor, the supervising

probation officer, or the probation program manager.

7. Sentence the offender pursuant to s. 922.051 to imprisonment in a county jail when a statute directs imprisonment in a state prison, if the offender's cumulative sentence, whether from the same circuit or from separate circuits, is not more than 364 days.

8. Sentence the offender who is to be punished by imprisonment in a county jail to a jail in another county if there is no jail within the county suitable for such prisoner pursuant to s. 950.01.

9. Require the offender to participate in a work-release or educational or technical ~~vocational~~ training program pursuant to s. 951.24 while serving a sentence in a county jail, if such a program is available.

10. Require the offender to perform a specified public service pursuant to s. 775.091.

11. Require the offender who violates chapter 893 or violates any law while under the influence of a controlled substance or alcohol to participate in a substance abuse program.

12.a. Require the offender who violates any criminal provision of chapter 893 to pay an additional assessment in an amount up to the amount of any fine imposed, pursuant to ss. 938.21 and 938.23.

b. Require the offender who violates any provision of s. 893.13 to pay an additional assessment in an amount of $100, pursuant to ss. 938.25 and 943.361.

13. Impose a split sentence whereby the offender is to be placed in a county jail or county work camp upon the completion of any specified term of community supervision.

14. Impose split probation whereby upon satisfactory

completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.01 for the remainder of the term of supervision.

15. Require residence in a state probation and restitution center or private drug treatment program for offenders on community control or offenders who have violated conditions of probation.

16. Impose any other sanction which is provided within the community and approved as an intermediate sanction by the county public safety coordinating council as described in s. 951.26.

17. Impose, as a condition of community control, probation, or probation following incarceration, a requirement that an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in accordance with the assessed adult general education needs of the individual offender.

Section 1042. Subsection (15) of section 943.10, Florida Statutes, is amended to read:

943.10 Definitions; ss. 943.085-943.255.--The following words and phrases as used in ss. 943.085-943.255 are defined as follows:

(15) "Public criminal justice training school" means ~~any school defined in s. 228.041, or~~ any academy operated by an employing agency~~,~~ that is certified by the commission to conduct criminal justice training courses.

Amendment No. ___ (for drafter's use only)

Section 1043. Paragraph (c) of subsection (1) of section 943.22, Florida Statutes, is amended to read:

943.22 Salary incentive program for full-time officers.--

(1) For the purpose of this section, the term:

(c) "Community college degree or equivalent" means graduation from an accredited community college or having been granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or successful completion of 60 semester hours or 90 quarter hours and eligibility to receive an associate degree from an accredited college, university, or community college.

Section 1044. Paragraphs (b), (c), and (i) of subsection (3) of section 944.801, Florida Statutes, are amended to read:

944.801 Education for state prisoners.--

(3) The responsibilities of the Correctional Education Program shall be to:

(b) ~~In cooperation with the Department of Education, pursuant to s. 229.565,~~ Monitor and assess all inmate education program services and report the results of such evaluation in the annual report of activities.

(c) ~~In cooperation with the Department of Education, pursuant to s. 229.8075,~~ Develop complete and reliable statistics on the educational histories, the city/intracity area and school district where the inmate was domiciled prior to incarceration, the participation in state educational and training programs, and the occupations of inmates confined to state correctional facilities. The compiled statistics shall be summarized and analyzed in the annual report of correctional educational activities required by paragraph (f).

(i) Ensure that every inmate who has 2 years or more

remaining to serve on his or her sentence at the time that he or she is received at an institution and who lacks basic and functional literacy skills as defined in s. 1004.02 ~~239.105~~ attends not fewer than 150 hours of sequential instruction in a correctional adult basic education program. The basic and functional literacy level of an inmate shall be determined by the average composite test score obtained on a test approved for this purpose by the State Board of Education.

1. Upon completion of the 150 hours of instruction, the inmate shall be retested and, if a composite test score of functional literacy is not attained, the department is authorized to require the inmate to remain in the instructional program.

2. Highest priority of inmate participation shall be focused on youthful offenders and those inmates nearing release from the correctional system.

3. An inmate shall be required to attend the 150 hours of adult basic education instruction unless such inmate:

a. Is serving a life sentence or is under sentence of death.

b. Is specifically exempted for security or health reasons.

c. Is housed at a community correctional center, road prison, work camp, or vocational center.

d. Attains a functional literacy level after attendance in fewer than 150 hours of adult basic education instruction.

e. Is unable to enter such instruction because of insufficient facilities, staff, or classroom capacity.

4. The Department of Corrections shall provide classes to accommodate those inmates assigned to correctional or

public work programs after normal working hours. The department shall develop a plan to provide academic and vocational classes on a more frequent basis and at times that accommodate the increasing number of inmates with work assignments, to the extent that resources permit.

5. If an inmate attends and actively participates in the 150 hours of instruction, the Department of Corrections may grant a one-time award of up to 6 additional days of incentive gain-time, which must be credited and applied as provided by law. Active participation means, at a minimum, that the inmate is attentive, responsive, cooperative, and completes assigned work.

Section 1045. Paragraphs (a) and (b) of subsection (9) of section 948.03, Florida Statutes, are amended to read:

948.03 Terms and conditions of probation or community control.--

(9)(a) As a condition of community control, probation, or probation following incarceration, require an offender who has not obtained a high school diploma or high school equivalency diploma or who lacks basic or functional literacy skills, upon acceptance by an adult education program, to make a good faith effort toward completion of such basic or functional literacy skills or high school equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in accordance with the assessed adult general education needs of the individual offender. The court shall not revoke community control, probation, or probation following incarceration because of the offender's inability to achieve such skills or diploma but may revoke community control, probation, or probation following incarceration if the offender fails to make a good faith effort to achieve such skills or diploma. The court may grant

early termination of community control, probation, or probation following incarceration upon the offender's successful completion of the approved program. As used in this subsection, "good faith effort" means the offender is enrolled in a program of instruction and is attending and making satisfactory progress toward completion of the requirements.

(b) A juvenile on community control who is a public school student must attend a public adult education program or a dropout prevention program, pursuant to s. 1003.53 ~~230.2316~~, which includes a second chance school or an alternative to expulsion, if the school district where the juvenile is enrolled offers such programs, unless the principal of the school determines that special circumstances warrant continuation in the regular educational school program.

Section 1046. Paragraph (b) of subsection (9) and subsection (27) of section 984.03, Florida Statutes, are amended to read:

984.03 Definitions.--When used in this chapter, the term:

(9) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and

1003.27 ~~232.19~~ and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(27) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a) ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s. 1003.24 ~~232.09~~, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the State Attorney may, or the appropriate jurisdictional agency shall, file a child-in-need-of-services petition if recommended by the case staffing committee, unless it is determined that another alternative action is preferable. The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith

effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall be handled as prescribed in s. 1003.27 ~~232.19~~.

Section 1047. Section 984.05, Florida Statutes, is amended to read:

984.05 Rules relating to habitual truants; adoption by State Board ~~Department~~ of Education and Department of Juvenile Justice.--The Department of Juvenile Justice and the State Board ~~Department~~ of Education shall work together on the development of, and shall adopt, rules as necessary for the implementation of ss. ~~232.19,~~ 984.03(27), ~~and~~ 985.03(25), and 1003.27.

Section 1048. Subsection (1) of section 984.151, Florida Statutes, is amended to read:

984.151 Truancy petition; prosecution; disposition.--

(1) If the school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools may file a truancy petition.

Section 1049. Subsection (3) of section 984.19, Florida Statutes, is amended to read:

984.19 Medical, psychiatric, and psychological

examination and treatment of child; physical or mental examination of parent, guardian, or person requesting custody of child.--

(3) A judge may order that a child alleged to be or adjudicated a child in need of services be examined by a licensed health care professional. The judge may also order such child to be evaluated by a psychiatrist or a psychologist, by a district school board educational needs assessment team, or, if a developmental disability is suspected or alleged, by the developmental disability diagnostic and evaluation team of the Department of Children and Family Services. The judge may order a family assessment if that assessment was not completed at an earlier time. If it is necessary to place a child in a residential facility for such evaluation, then the criteria and procedure established in s. 394.463(2) or chapter 393 shall be used, whichever is applicable. The educational needs assessment provided by the district school board educational needs assessment team shall include, but not be limited to, reports of intelligence and achievement tests, screening for learning disabilities and other handicaps, and screening for the need for alternative education pursuant to s. 1003.53 ~~230.2316~~.

Section 1050. Paragraph (b) of subsection (8) and subsection (25) of section 985.03, Florida Statutes, are amended to read:

985.03 Definitions.--When used in this chapter, the term:

(8) "Child in need of services" means a child for whom there is no pending investigation into an allegation or suspicion of abuse, neglect, or abandonment; no pending referral alleging the child is delinquent; or no current

supervision by the Department of Juvenile Justice or the Department of Children and Family Services for an adjudication of dependency or delinquency. The child must also, pursuant to this chapter, be found by the court:

(b) To be habitually truant from school, while subject to compulsory school attendance, despite reasonable efforts to remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ and through voluntary participation by the child's parents or legal custodians and by the child in family mediation, services, and treatment offered by the Department of Juvenile Justice or the Department of Children and Family Services; or

(25) "Habitually truant" means that:

(a) The child has 15 unexcused absences within 90 calendar days with or without the knowledge or justifiable consent of the child's parent or legal guardian, is subject to compulsory school attendance under s. 1003.21(1) and (2)(a) ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s. 1003.24 ~~232.09~~, or any other exemptions specified by law or the rules of the State Board of Education.

(b) Escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been completed.

If a child who is subject to compulsory school attendance is responsive to the interventions described in ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary requirements to pass the current grade as indicated in the district pupil progression plan, the child shall not be determined to be habitually truant and shall be passed. If a

child within the compulsory school attendance age has 15 unexcused absences within 90 calendar days or fails to enroll in school, the state attorney may file a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the state attorney may elect to file a child-in-need-of-services petition.

(c) A school representative, designated according to school board policy, and a juvenile probation officer of the Department of Juvenile Justice have jointly investigated the truancy problem or, if that was not feasible, have performed separate investigations to identify conditions that could be contributing to the truant behavior; and if, after a joint staffing of the case to determine the necessity for services, such services were determined to be needed, the persons who performed the investigations met jointly with the family and child to discuss any referral to appropriate community agencies for economic services, family or individual counseling, or other services required to remedy the conditions that are contributing to the truant behavior.

(d) The failure or refusal of the parent or legal guardian or the child to participate, or make a good faith effort to participate, in the activities prescribed to remedy the truant behavior, or the failure or refusal of the child to return to school after participation in activities required by this subsection, or the failure of the child to stop the truant behavior after the school administration and the Department of Juvenile Justice have worked with the child as described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as prescribed in s. 1003.27 ~~232.19~~.

Section 1051. Paragraph (b) of subsection (7) of section 985.04, Florida Statutes, is amended to read:

985.04 Oaths; records; confidential information.--

(7)

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232.26~~.

Section 1052. Subsection (5) of section 985.316, Florida Statutes, is amended to read:

985.316 Conditional release.--

(5) Participation in the educational program by students of compulsory school attendance age pursuant to s. 1003.21(1) and (2)(a) ~~232.01~~ is mandatory for juvenile justice youth on conditional release or postcommitment probation status. A student of noncompulsory school-attendance age who has not received a high school diploma or its equivalent must participate in the educational program. A youth who has received a high school diploma or its equivalent and is not employed must participate in workforce development or other career ~~vocational~~ or technical education or attend a community college or a university while in the program, subject to

available funding.

Section 1053. Subsection (3) of section 985.412, Florida Statutes, is amended to read:

985.412 Quality assurance and cost-effectiveness.--

(3) The department shall annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market-equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(20) ~~230.23161(21)~~.

Section 1054. The purpose of the Legislature in revising this education code is to rearrange, renumber, reword, reorder, streamline, consolidate, and update the code consistent with current law and the new K-20 education

governance structure. It is not the purpose of the Legislature in revising the education code to affect existing judicial or administrative law.

Section 1055. Effective upon this act becoming a law, the Secretary of Education, in consultation with the Commissioner of Education, may establish, abolish, or consolidate bureaus, sections, and subsections and may reallocate duties and functions within the Department of Education in order to promote effective and efficient operation of the department and to implement changes to the state system of education initiated by the adoption of the 1998 amendment to Art. IX of the State Constitution as implemented by the Legislature in chapter 2001-170, Laws of Florida. Authorized positions and appropriations may be transferred from one budget entity to another as required to implement the reorganization. This section is repealed December 31, 2002.

Section 1056. Subsection (1) of section 187.201, Florida Statutes, is repealed.

Section 1057. Section 2 of chapter 2000-181, Laws of Florida, is repealed.

Section 1058. Part I of chapter 243 and chapters 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 244, and 246, Florida Statutes (2001), are repealed, except that any exemption from public records or public meetings laws contained in such part or chapters that has been continued in effect by this act shall be considered to have been transferred effective January 7, 2003, rather than repealed.

Section 1059. In editing the manuscript for the 2002 Florida Statutes, the Division of Statutory Revision is

directed to incorporate any amendments, by laws passed during the 2002 Regular Session of the Legislature or any 2002 Special Sessions of the Legislature, to provisions repealed by this act into the parallel successor provisions created by this act. The division is further directed to transfer any provisions enacted within part I of chapter 243 or chapters 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241, 242, 244, and 246, Florida Statutes, by 2002 legislation to parallel locations in accordance with this act.

Section 1060. (1) Chapters 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and 1013, Florida Statutes, as created by this act, shall be reviewed by the Legislature in the 2003 Regular Session of the Legislature.

(2) This section is repealed July 1, 2003.

Section 1061. Each district school board shall develop a plan for a K-12 foreign language curriculum and must submit its plan to the Commissioner of Education by June 30, 2004.

Section 1062. Paragraph (a) of subsection (1) of section 110.1099, Florida Statutes, is amended to read:

110.1099 Education and training opportunities for state employees.--

(1)(a) Education and training are an integral component in improving the delivery of services to the public. Recognizing that the application of productivity-enhancing technology and practice demands continuous educational and training opportunities, a state employee may be authorized to receive a voucher or grant, for matriculation fees, to attend work-related courses at public community colleges, public technical centers, or public universities. ~~Student credit hours generated by state employee fee waivers shall be~~

1 ~~fundable credit hours.~~ The department may implement the
2 provisions of this section from funds appropriated to the
3 department for this purpose. In the event insufficient funds
4 are appropriated to the department, each state agency may
5 supplement these funds to support the training and education
6 needs of its employees from funds appropriated to the agency.
7 Section 1063. If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 invalidity shall not affect other provisions or applications
10 of the act which can be given effect without the invalid
11 provision or application, and to this end the provisions of
12 this act are declared severable.
13 Section 1064. Except as otherwise provided herein,
14 this act shall take effect January 7, 2003.
15
16
17 ========== T I T L E A M E N D M E N T ==========
18 And the title is amended as follows:
19 remove: everything before the enacting clause
20
21 and insert:
22 A bill to be entitled
23 An act relating to education and matters
24 connected therewith; creating the "Florida K-20
25 Education Code"; creating ch. 1000, F.S.,
26 entitled "K-20 General Provisions," consisting
27 of part I relating to general provisions, part
28 II relating to systemwide definitions, and part
29 III relating to educational compacts; creating
30 ch. 1001, F.S., entitled "K-20 Governance,"
31 consisting of part I relating to state-level

1 governance, part II relating to school district
2 governance, part III relating to community
3 colleges, and part IV relating to state
4 universities; creating ch. 1002, F.S., entitled
5 "Student and Parental Rights and Educational
6 Choices," consisting of part I relating to
7 general provisions, part II relating to student
8 and parental rights, part III relating to
9 educational choice, and part IV relating to
10 home education, private schools, and other
11 education options; creating ch. 1003, F.S.,
12 entitled "Public K-12 Education," consisting of
13 part I relating to general provisions, part II
14 relating to school attendance, part III
15 relating to control of students, part IV
16 relating to public K-12 educational
17 instruction, part V relating to specialized
18 instruction for certain public K-12 students,
19 and part VI relating to pilot public K-12
20 education programs; creating ch. 1004, F.S.,
21 entitled "Public Postsecondary Education,"
22 consisting of part I relating to general
23 provisions, part II relating to state
24 universities, part III relating to community
25 colleges, and part IV relating to workforce
26 development education; creating ch. 1005, F.S.,
27 entitled "Nonpublic Postsecondary Education,"
28 consisting of part I relating to general
29 provisions, part II relating to the Commission
30 for Independent Education, and part III
31 relating to licensure of nonpublic

1 postsecondary educational institutions;
2 creating ch. 1006, F.S., entitled "Support for
3 Learning and Student Services," consisting of
4 part I relating to public K-12 education
5 support for learning and student services and
6 part II relating to postsecondary educational
7 institutions; creating ch. 1007, F.S., entitled
8 "Access and Articulation," consisting of part I
9 relating to general provisions, part II
10 relating to articulation, and part III relating
11 to access to postsecondary education; creating
12 ch. 1008, F.S., entitled "Assessment and
13 Accountability," consisting of part I relating
14 to assessment, part II relating to
15 accountability, and part III relating to the
16 Council for Education Policy Research and
17 Improvement; creating ch. 1009, F.S., entitled
18 "Educational Scholarships, Fees, and Financial
19 Assistance," consisting of part I relating to
20 general provisions, part II relating to
21 postsecondary student fees, part III relating
22 to financial assistance, part IV relating to
23 prepaid college board programs, and part V
24 relating to the Florida higher education loan
25 authority; creating ch. 1010, F.S., entitled
26 "Financial Matters," consisting of part I
27 relating to general accounting requirements,
28 part II relating to financial reporting, part
29 III relating to audit requirements and
30 procedures, part IV relating to bonding, and
31 part V relating to trust funds; creating ch.

1011, F.S., entitled "Planning and Budgeting," consisting of part I relating to preparation, adoption, and implementation of budgets, part II relating to funding for school districts, part III relating to funding for workforce education, part IV relating to funding for community colleges, and part V relating to funding for state universities; creating ch. 1012, F.S., entitled "Personnel," consisting of part I relating to general provisions, part II relating to K-20 personnel issues, part III relating to public schools personnel, part IV relating to public postsecondary educational institutions personnel, part V relating to professional development, and part VI relating to the interstate compact on qualifications of educational personnel; creating ch. 1013, F.S., entitled "Educational Facilities," consisting of part I relating to functions of the Department of Education, part II relating to use and management of educational facilities, part III relating to planning and construction of educational facilities, and part IV relating to funding for educational facilities; reenacting and amending s. 20.15, F.S., relating to the Department of Education, to conform; amending ss. 11.061, 11.40, 11.45, 23.1225, 24.121, 39.0015, 39.407, 61.13015, 105.061, 110.1228, 110.123, 110.151, 110.181, 110.205, 112.1915, 112.313, 120.52, 120.55, 120.81, 121.051, 121.091, 145.131, 145.19,

153.77, 159.27, 163.3177, 163.3191, 195.096, 196.012, 196.031, 196.1983, 200.001, 200.065, 200.069, 201.24, 210.20, 212.04, 212.0602, 212.08, 213.053, 215.20, 215.82, 216.181, 216.301, 218.39, 220.183, 222.22, 250.115, 255.0515, 255.0516, 265.2861, 265.603, 267.173, 267.1732, 282.005, 282.103, 282.105, 282.106, 282.3031, 282.3063, 282.310, 284.34, 285.18, 287.042, 287.055, 287.064, 288.039, 288.8175, 295.01, 295.015, 295.016, 295.017, 295.018, 295.019, 295.0195, 316.003, 316.027, 316.515, 316.6145, 316.615, 316.70, 316.72, 318.12, 318.14, 320.08058, 320.20, 320.38, 322.031, 322.091, 322.095, 322.21, 333.03, 364.508, 380.0651, 381.003, 381.005, 381.0056, 381.0302, 391.055, 393.0657, 394.4572, 394.495, 394.498, 395.602, 395.605, 397.405, 397.451, 397.951, 402.22, 402.302, 402.3057, 409.145, 409.1757, 409.2598, 409.9071, 409.908, 409.9122, 411.01, 411.203, 411.223, 414.1251, 440.16, 445.04, 445.0121, 445.024, 447.203, 447.301, 447.403, 450.081, 450.121, 458.3145, 458.324, 459.0125, 468.1115, 468.607, 468.723, 471.0035, 476.114, 476.144, 476.178, 477.0132, 477.019, 477.0201, 477.023, 480.033, 481.229, 488.01, 553.415, 559.902, 589.09, 627.733, 627.742, 627.912, 633.445, 633.50, 732.402, 784.081, 817.566, 817.567, 877.18, 921.187, 943.10, 943.22, 944.801, 948.03, 984.03, 984.05, 984.151, 984.19, 985.03, 985.04, 985.316, and 985.412, F.S.; conforming provisions and cross

1 references; revising provisions relating to
2 audits of the accounts and records of district
3 school boards; providing purpose of this act;
4 authorizing activities relating to the
5 reorganization of the Department of Education
6 and implementation of changes to the state
7 system of education; repealing s. 187.201(1),
8 F.S., relating to the education goals and
9 policies of the State Comprehensive Plan;
10 repealing s. 2 of ch. 2000-181, Laws of
11 Florida, relating to the repeal of s. 236.081,
12 F.S., effective June 30, 2004; repealing part I
13 of ch. 243, F.S., relating to the educational
14 institutions law, and ch. 228, 229, 230, 231,
15 232, 233, 234, 235, 236, 237, 239, 240, 241,
16 242, 244, and 246, F.S., relating to public
17 education general provisions, functions of
18 state educational agencies, the district school
19 system, personnel of the school system,
20 compulsory school attendance and child welfare,
21 courses of study and instructional aids,
22 transportation of school children, educational
23 facilities, finance and taxation of schools,
24 financial accounts and expenditures for public
25 schools, vocational, adult, and community
26 education, postsecondary education, distance
27 learning, specialized state educational
28 institutions, educational compacts, and
29 nonpublic postsecondary institutions; providing
30 duties of the Division of Statutory Revision;
31 providing for review of ch. 1000-1013, F.S.,

1 during the 2003 Regular Session; requiring each
2 district school board to develop a plan for a
3 K-12 foreign language curriculum; amending s.
4 110.1099, F.S.; deleting a requirement that
5 credit hours generated by state employee fee
6 waivers be fundable credit hours; providing for
7 severability; providing effective dates.
8
9 WHEREAS, Representative Jerry G. Melvin has served in
10 the Florida House of Representatives for 18 years, from
11 1968-1978 and 1995-2002, and is the current Dean of this great
12 institution, and
13 WHEREAS, Representative Jerry G. Melvin served for many
14 years on the Education Appropriations Committee, chaired the
15 Education Innovation Committee from 1997 through 2000, and has
16 chaired the Council for Lifelong Learning from 2000 through
17 2002, and
18 WHEREAS, in his many years of education chairmanship,
19 Representative Jerry G. Melvin has fought tirelessly to
20 achieve the public policy goals of the House leadership, and
21 WHEREAS, in his final year of service to this House,
22 Representative Jerry G. Melvin has accomplished his crowning
23 achievement by bringing before this body, as required in last
24 year's education governance legislation, a new, clear, concise
25 revision of the entire education code that reflects the new
26 governance structure, and
27 WHEREAS, this new education code is the largest, most
28 comprehensive piece of legislation ever brought before this
29 Legislature and epitomizes the dedication and hard work of
30 Representative Jerry G. Melvin, NOW, THEREFORE,
31