

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Kilmer, Pickens, Simmons, Arza, Baxley, Meador, Mayfield, Stansel, Sansom, Attkisson, and Harrell offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause, and insert:

Section 1. This act shall be known by the popular name the "Quality Education Act," with emphasis on class size reduction and better educated students and teachers (BEST) Florida teaching.

Section 2. Subsections (14) and (15) are added to section 1003.01, Florida Statutes, to read:

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

(14) "Core-curricula courses" means courses defined by the State Board of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, or exceptional student education and courses

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28 taught in traditional, self-contained elementary school  
29 classrooms. The term is limited in meaning and used for the sole  
30 purpose of designating classes that are subject to the maximum  
31 class size requirements established in s. 1, Art. IX of the  
32 State Constitution.

33 (15) "Extracurricular courses" means all courses that are  
34 not defined as core-curricula courses. The term is limited in  
35 meaning and used for the sole purpose of designating classes  
36 that are not subject to the maximum class size requirements  
37 established in s. 1, Art. IX of the State Constitution.

38 Section 3. Section 1003.03, Florida Statutes, is amended  
39 to read:

40 (Substantial rewording of section. See

41 s. 1003.03, F.S., for present text.)

42 1003.03 Maximum class size.--

43 (1) LEGISLATIVE INTENT.--It is the intent of the  
44 Legislature that s. 1, Art. IX of the State Constitution be  
45 implemented in an efficient manner that preserves the choice  
46 options available to parents and students. Accordingly, the  
47 Legislature finds that lab schools, charter schools, the Florida  
48 Virtual School, eligible K-8 virtual schools, and the Florida  
49 School for the Deaf and the Blind, as well as other alternatives  
50 to traditional delivery of instruction in the public schools,  
51 including, but not limited to, Advanced Placement, International  
52 Baccalaureate, Advanced International Certificate of Education,  
53 and dual enrollment courses, are not encompassed in the  
54 definition of core-curricula courses for purposes of  
55 implementing s. 1, Art. IX of the State Constitution.

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56 (2) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1,  
57 Art. IX of the State Constitution, beginning in the 2010-2011  
58 school year:

59 (a) The maximum number of students assigned to each  
60 teacher who is teaching a core-curricula course in public school  
61 classrooms for prekindergarten through grade 3 may not exceed 18  
62 students.

63 (b) The maximum number of students assigned to each  
64 teacher who is teaching a core-curricula course in public school  
65 classrooms for grades 4 through 8 may not exceed 22 students.

66 (c) The maximum number of students assigned to each  
67 teacher who is teaching a core-curricula course in public school  
68 classrooms for grades 9 through 12 may not exceed 25 students.

69 (3) IMPLEMENTATION.--

70 (a) Beginning with the 2003-2004 fiscal year, each school  
71 district that is not in compliance with the maximums described  
72 in subsection (2) shall reduce the average number of students  
73 per classroom in each of the following grade groupings:  
74 prekindergarten through grade 3, grade 4 through grade 8, and  
75 grade 9 through grade 12, by at least two students each year.

76 (b) Determination of the average number of students per  
77 classroom as described in paragraph (a) shall be calculated as  
78 follows:

79 1. For fiscal years 2003-2004 through 2005-2006, the  
80 calculation for compliance for each of the three grade groupings  
81 shall be the average at the school district level.

82 2. For fiscal years 2006-2007 and 2007-2008, the  
83 calculation for compliance for each of the three grade groupings  
84 shall be the average at the school level.

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85 3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
86 the calculation for compliance for each of the three grade  
87 groupings shall be at the individual classroom level.

88 (c) The Department of Education shall annually calculate  
89 each of the three average class size measures described in  
90 paragraphs (a) and (b) based upon the October student membership  
91 survey. For purposes of determining the baseline from which each  
92 school district's average class size must be reduced for the  
93 2003-2004 school year, the department shall use data from the  
94 March 2003 student membership survey updated to include  
95 classroom identification numbers as required by the department.

96 (d) Prior to the adoption of the school district budget  
97 for 2003-2004, each district school board shall hold public  
98 hearings to review school attendance zones in order to ensure  
99 maximum use of facilities while minimizing the additional use of  
100 transportation in order to comply with the two-student-per-year  
101 reduction required in paragraph (a). School districts that meet  
102 the constitutional class size maximums described in subsection  
103 (2) are exempt from this requirement.

104  
105 As alternatives to instruction in traditional public schools,  
106 courses provided by lab schools, charter schools, the Florida  
107 Virtual School, eligible K-8 virtual schools, and the Florida  
108 School for the Deaf and the Blind and Advanced Placement,  
109 International Baccalaureate, Advanced International Certificate  
110 of Education, and dual enrollment courses are not encompassed  
111 within the definition of core-curricula courses in public school  
112 classrooms. School districts shall make every effort to further  
113 reduce exceptional student education and English for Speakers of

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114 Other Languages class sizes below the class size maximums as  
115 necessary to provide high-quality instruction for these special  
116 needs students.

117 (4) IMPLEMENTATION OPTIONS.--District school boards must  
118 consider, but are not limited to, implementing the following  
119 items in order to meet the constitutional class size maximums  
120 described in subsection (2) and the two-student-per-year  
121 reduction required in subsection (3):

122 (a) Adopt policies to encourage qualified students to take  
123 dual enrollment courses through community colleges and state  
124 universities.

125 (b) Adopt policies to encourage students to take courses  
126 from the Florida Virtual School and eligible K-8 virtual  
127 schools.

128 (c)1. Repeal district school board policies that require  
129 students to have more than 24 credits to graduate from high  
130 school.

131 2. Adopt policies to allow students to graduate from high  
132 school as soon as they pass the grade 10 FCAT and complete the  
133 courses required for high school graduation.

134 (d) Use methods to maximize use of instructional staff,  
135 such as changing required teaching loads and scheduling of  
136 planning periods, deploying school district employees who have  
137 professional certification to the classroom, using adjunct  
138 educators, or using any other method not prohibited by law.

139 (e) Use innovative methods to reduce the cost of school  
140 construction by using prototype school designs, using SMART  
141 Schools designs, participating in the School Infrastructure

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142 Thrift (SIT) Program, or using any other method not prohibited  
143 by law.

144 (f) Use joint-use facilities through partnerships with  
145 community colleges, state universities, and private colleges and  
146 universities. Joint-use facilities available for use as K-12  
147 classrooms that do not meet the K-12 State Regulations for  
148 Educational Facilities in the Florida Building Code may be used  
149 at the discretion of the district school board provided that  
150 such facilities meet all other health, life, safety, and fire  
151 codes.

152 (g) Adopt alternative methods of class scheduling, such as  
153 block scheduling.

154 (h) Redraw school attendance zones to maximize use of  
155 facilities while minimizing the additional use of  
156 transportation.

157 (i) Operate schools beyond the normal operating hours to  
158 provide classes in the evening or operate more than one session  
159 of school during the day.

160 (j) Use year-round schools and other nontraditional  
161 calendars that do not adversely impact annual assessment of  
162 student achievement.

163 (k) Review and consider amending any collective bargaining  
164 contracts that hinder the implementation of class size  
165 reduction.

166 (l) Provide Florida Learning Access Grants in accordance  
167 with s. 1002.395.

168 (m) Adopt policies to encourage the use of charter schools  
169 that meet financial, management, accountability, and performance  
170 standards as established by the State Board of Education.

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171 (n) Use any other approach not prohibited by law.

172 (5) ACCOUNTABILITY.--

173 (a) Beginning in the 2004-2005 fiscal year, if the  
174 Commissioner of Education determines for any year that a school  
175 district has not reduced average class size as required in  
176 subsection (3) at the time of the third FEFP calculation, the  
177 department shall calculate an amount from the class size  
178 reduction operating categorical that is proportionate to the  
179 amount of class size reduction not accomplished. Upon  
180 verification of the department's calculation by the Florida  
181 Education Finance Program Appropriation Allocation Conference,  
182 the Executive Office of the Governor shall transfer  
183 undistributed funds, except for funds that have been encumbered  
184 for classroom teacher contracts, equivalent to the calculated  
185 amount from the school district's class size reduction operating  
186 categorical to an approved fixed capital outlay appropriation  
187 for class size reduction in the affected school district  
188 pursuant to s. 216.292(13). The amount of such funds transferred  
189 shall be the lesser of the amount specified above or the  
190 undistributed balance of the school district's class size  
191 reduction operating categorical.

192 (b) Beginning in the 2006-2007 school year, the  
193 Commissioner of Education shall determine by January 15 of each  
194 year which school districts have not met the two-student-per-  
195 year reduction required in subsection (3) based upon a  
196 comparison of the school district's October student membership  
197 survey for the current school year and the March 2003 baseline  
198 student membership survey. The commissioner shall report such  
199 school districts to the Legislature. Each school district that

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200 has not met the two-student-per-year reduction shall be required  
201 to implement one of the following policies in the subsequent  
202 school year unless the commissioner finds that the school  
203 district comes into compliance based upon the February student  
204 membership survey:

205 1. Year-round schools;

206 2. Double sessions;

207 3. Florida Learning Access Grants, pursuant to s.  
208 1002.395;

209 4. Rezoning; or

210 5. Maximizing use of instructional staff by changing  
211 required teacher loads and scheduling of planning periods,  
212 deploying school district employees who have professional  
213 certification to the classroom, using adjunct educators,  
214 operating schools beyond the normal operating hours to provide  
215 classes in the evening, or operating more than one session of  
216 school during the day.

217 A school district that is required to implement one of the  
218 policies outlined in subparagraphs 1.-5. shall correct in the  
219 year of implementation any past deficiencies and bring the  
220 school district into compliance with the two-student-per-year  
221 reduction requirements pursuant to subsection (3). A school  
222 district may choose to implement more than one of these  
223 policies. The district school superintendent shall report to the  
224 Commissioner of Education the extent to which the school  
225 district implemented any of the policies outlined in  
226 subparagraphs 1.-5. in a format to be specified by the  
227 commissioner. The commissioner shall use the enforcement

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228 authority provided in s. 1008.32 to ensure that school districts  
229 comply with the provisions of this paragraph.

230 (c) Beginning in the 2007-2008 school year, the  
231 Commissioner of Education shall annually determine which school  
232 districts do not meet the requirements described in subsection  
233 (3). In addition to enforcement authority provided in s.  
234 1008.32, the commissioner shall develop a constitutional  
235 compliance plan for each such school district that includes, but  
236 is not limited to, redrawing school attendance zones to maximize  
237 use of facilities while minimizing the additional use of  
238 transportation, unless the commissioner finds that the school  
239 district comes into compliance based upon the February student  
240 membership survey and the other accountability policies listed  
241 in paragraph (b). Each district school board shall implement  
242 its constitutional compliance plan developed by the commissioner  
243 until the school district complies with the constitutional class  
244 size maximums.

245 Section 4. Section 1011.685, Florida Statutes, is created  
246 to read:

247 1011.685 Class size reduction; operating categorical  
248 fund.--

249 (1) There is created an operating categorical fund for  
250 implementing the class size reduction provisions of s. 1, Art.  
251 IX of the State Constitution. These funds shall be allocated to  
252 each school district based on the school district's  
253 proportionate share of FEFP base funding. Funds shall be  
254 released upon the State Board of Education's approval of the  
255 school district's class size reduction plan.

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

258 (a) To reduce class size in any lawful manner if the  
259 school district has not met the constitutional class size  
260 maximums identified in s. 1003.03(2) or the two-student-per-year  
261 reduction required by s. 1003.03(3).

262 (b) Upon satisfying the requirements of paragraph (a), to  
263 implement the requirements of ss. 1011.63 and 1012.231(2).

264 (c) Upon satisfying the requirements of paragraphs (a) and  
265 (b), for any lawful operating expenditure; however, priority  
266 should be given to increasing the salary of career teachers as  
267 defined in s. 1012.231(2)(b).

268 (3) Notwithstanding the provisions of s. 1011.71(2), a  
269 school district receiving funds under this section is authorized  
270 until June 30, 2006, to use up to 2 mills of its nonvoted  
271 capital improvement millage for any lawful operating expenditure  
272 if the school district has met the constitutional class size  
273 maximums identified in s. 1003.03(2); however, priority should  
274 be given to increasing the salary of career teachers as defined  
275 in s. 1012.231(2)(b). In order to exercise the authority of this  
276 subsection, the school district must:

277 (a) Hold a public hearing that clearly communicates the  
278 school district's purpose for the use of the funds and, during a  
279 regularly scheduled meeting of the district school board, vote  
280 to use such funds in the manner and for the purpose identified  
281 in the public hearing.

282 (b) Annually report to the Department of Education the  
283 amount of funds used and the operating expenditures for which  
284 the funds were used.

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285       (4) The Department of Education shall collect all such  
286 reports and shall report to the Governor, the President of the  
287 Senate, and the Speaker of the House of Representatives by  
288 December 31 of each year a summary of each school district's use  
289 of nonvoted capital improvement millage for operating  
290 expenditures, including a summary of the amount of funds used  
291 and the operating expenditures for which the funds were used.

292       (5) No later than June 30, 2006, the Legislature shall  
293 review such reports for purposes of determining whether any  
294 school district expended nonvoted capital improvement millage  
295 while failing to comply with subsection (3) or any other  
296 provision of law. Upon such review, if the Legislature so  
297 directs, the Department of Education shall withhold from the  
298 school district's allocation from the Public Education Capital  
299 Outlay and Debt Service Trust Fund no less than an amount of  
300 funds equivalent to the amount determined by the Legislature to  
301 have been so expended.

302       Section 5. Section 1013.735, Florida Statutes, is created  
303 to read:

304       1013.735 Class Size Reduction Infrastructure Program.--

305       (1) ALLOCATION.--The Department of Education shall  
306 allocate funds appropriated for the Class Size Reduction  
307 Infrastructure Program, which is hereby established.

308       (2) DISTRICT PARTICIPATION.--In order to participate in  
309 the Class Size Reduction Infrastructure Program, a district  
310 school board shall:

311       (a) Enter into an interlocal agreement pursuant to s.  
312 1013.33.

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313 (b) Certify that the school district's inventory of  
314 facilities listed in the Florida Inventory of School Houses is  
315 accurate and up to date pursuant to s. 1013.31.

316 (c) Receive approval from the State Board of Education for  
317 a capital outlay expenditure plan that is based on documented  
318 infrastructure need and is limited only to construction,  
319 renovation, and remodeling expenditures and purchase or lease-  
320 purchase of relocatables for class size reduction.

321 (3) USE OF FUNDS.--In order to increase capacity to reduce  
322 class size, a district school board shall expend the funds  
323 received pursuant to this section only to:

324 (a) Construct, renovate, remodel, or repair educational  
325 facilities that reduce class size and are in excess of funded  
326 projects identified in the school district's 5-year work program  
327 adopted prior to March 15, 2003; or

328 (b) Purchase or lease-purchase relocatable facilities that  
329 are in excess of relocatables identified in the school  
330 district's 5-year work program adopted prior to March 15, 2003.

331 Section 6. Effective upon this act becoming a law, section  
332 1013.736, Florida Statutes, is created to read:

333 1013.736 District Effort Recognition Program.--

334 (1) RECOGNITION FUNDS.--From funds appropriated by the  
335 Legislature, district effort recognition capital outlay grants  
336 shall be made to eligible school districts in accordance with  
337 the provisions of this section and the General Appropriations  
338 Act. The funds appropriated in this section are not subject to  
339 the provisions of s. 216.301.

340 (2) ELIGIBILITY.--Annually, the Department of Education  
341 shall determine each school district's compliance with the

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342 provisions of s. 1003.03 and determine the school district's  
343 eligibility to receive a district effort recognition grant for  
344 local school facilities projects pursuant to this section.  
345 School districts shall be eligible for a district effort  
346 recognition grant based upon participation in any of the  
347 following:

348 (a) The school district levies a half-cent school capital  
349 outlay sales surtax authorized in s. 212.055(6).

350 (b) The school district participates in the levy of the  
351 local government infrastructure sales surtax authorized in s.  
352 212.055(2).

353 (c) The school district levies voted millage for capital  
354 outlay purposes as authorized in s. 9, Art. VII of the State  
355 Constitution.

356 (d) The school district levies the full 2 mills of  
357 nonvoted discretionary capital outlay millage authorized by s.  
358 1011.71(2).

359 (e) The school district receives proceeds of school impact  
360 fees greater than \$500 per dwelling unit.

361 (3) ALLOCATION AND DISTRIBUTION OF FUNDS.--The department  
362 shall allocate the annual amount of funds provided among all  
363 eligible school districts based upon the school district's plan  
364 approved by the State Board of Education and documented  
365 infrastructure need, which shall be limited solely to  
366 construction, renovation, and remodeling expenditures and  
367 purchase or lease-purchase of relocatables for class size  
368 reduction.

369 Section 7. Section 1013.737, Florida Statutes, is created  
370 to read:

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371 1013.737 Class Size Reduction Lottery Revenue Bond  
372 Program.--There is established the Class Size Reduction Lottery  
373 Revenue Bond Program.

374 (1) The issuance of revenue bonds is authorized to finance  
375 or refinance the construction, acquisition, reconstruction, or  
376 renovation of educational facilities. Such bonds shall be issued  
377 pursuant to and in compliance with the provisions of s. 11(d),  
378 Art. VII of the State Constitution, the provisions of the State  
379 Bond Act, ss. 215.57-215.83, as amended, and the provisions of  
380 this section.

381 (2) The bonds are payable from, and secured by a first  
382 lien on, the first lottery revenues transferred to the  
383 Educational Enhancement Trust Fund each fiscal year, as provided  
384 by s. 24.121(2), and do not constitute a general obligation of,  
385 or a pledge of the full faith and credit of, the state.

386 (3) The state hereby covenants with the holders of such  
387 revenue bonds that it will not take any action that will  
388 materially and adversely affect the rights of such holders so  
389 long as bonds authorized by this section are outstanding. The  
390 state does hereby additionally authorize the establishment of a  
391 covenant in connection with the bonds which provides that any  
392 additional funds received by the state from new or enhanced  
393 lottery programs or other similar activities will first be  
394 available for payments relating to bonds pledging revenues  
395 available pursuant to s. 24.121(2) prior to use for any other  
396 purpose.

397 (4) The bonds shall be issued by the Division of Bond  
398 Finance of the State Board of Administration on behalf of the  
399 Department of Education in such amount as shall be requested by

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400 resolution of the State Board of Education. However, the total  
401 principal amount of bonds, excluding refunding bonds, issued  
402 pursuant to this section shall not exceed \$600 million.

403 (5) Proceeds available from the sale of the bonds shall be  
404 deposited in the Lottery Capital Outlay and Debt Service Trust  
405 Fund within the Department of Education.

406 (6) The facilities to be financed with the proceeds of  
407 such bonds are designated as state fixed capital outlay projects  
408 for purposes of s. 11(d), Art. VII of the State Constitution,  
409 and the specific facilities to be financed shall be determined  
410 in accordance with state law and appropriations from the  
411 Educational Enhancement Trust Fund. Prior to the release of  
412 funds, the State Board of Education must approve each school  
413 district's expenditure plan, which plan must be based on  
414 documented infrastructure need and be limited solely to  
415 construction, renovation, and remodeling expenditures and  
416 purchase or lease-purchase of relocatables for class size  
417 reduction. Projects shall be funded from the Lottery Capital  
418 Outlay and Debt Service Trust Fund. Each educational facility to  
419 be financed with the proceeds of the bonds issued pursuant to  
420 this section is hereby approved as required by s. 11(f), Art.  
421 VII of the State Constitution.

422 (7) Any complaint for validation of such bonds is required  
423 to be filed only in the circuit court of the county where the  
424 seat of state government is situated. The notice required to be  
425 published by s. 75.06 is required to be published only in the  
426 county where the complaint is filed, and the complaint and order  
427 of the circuit court need be served only on the state attorney  
428 of the circuit in which the action is pending.

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429       (8) The Commissioner of Education shall provide for timely  
430 encumbrances of funds for duly authorized projects. Encumbrances  
431 may include proceeds to be received under a resolution approved  
432 by the State Board of Education authorizing issuance of class  
433 size reduction lottery bonds pursuant to s. 11(d), Art. VII of  
434 the State Constitution, this section, and other applicable law.

435       Section 8. Subsection (2) of section 24.121, Florida  
436 Statutes, is amended to read:

437       24.121 Allocation of revenues and expenditure of funds for  
438 public education.--

439       (2) Each fiscal year, at least 38 percent of the gross  
440 revenue from the sale of on-line lottery tickets, variable  
441 percentages of the gross revenue from the sale of instant  
442 lottery tickets as determined by the department consistent with  
443 subsection (1), and other earned revenue, excluding application  
444 processing fees, shall be deposited in the Educational  
445 Enhancement Trust Fund, which is hereby created in the State  
446 Treasury to be administered by the Department of Education. The  
447 Department of the Lottery shall transfer moneys to the  
448 Educational Enhancement Trust Fund at least once each quarter.  
449 Funds in the Educational Enhancement Trust Fund shall be used to  
450 the benefit of public education in accordance with the  
451 provisions of this act. Notwithstanding any other provision of  
452 law, ~~a maximum of \$180 million of lottery revenues transferred~~  
453 ~~to the Educational Enhancement Trust Fund in fiscal year 1997-~~  
454 ~~1998 and for 30 years thereafter~~ shall be reserved as needed and  
455 used to meet the requirements of the documents authorizing the  
456 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,  
457 or s. 1013.737 or distributed to school districts for the

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458 Classrooms First Program as provided in s. 1013.68. Such lottery  
459 revenues are hereby pledged to the payment of debt service on  
460 bonds issued by the state pursuant to s. 1013.68, ~~or s. 1013.70,~~  
461 or s. 1013.737. Debt service payable on bonds issued by the  
462 state pursuant to s. 1013.68, ~~or s. 1013.70,~~ or s. 1013.737  
463 shall be payable from, and are secured by a first lien on, the  
464 first lottery revenues transferred to the Educational  
465 Enhancement Trust Fund in each fiscal year. Amounts  
466 distributable to school districts that request the issuance of  
467 bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds  
468 pursuant to s. 11(d), Art. VII of the State Constitution. ~~The~~  
469 ~~amounts distributed through the Classrooms First Program shall~~  
470 ~~equal \$145 million in each fiscal year. These funds are intended~~  
471 ~~to provide up to \$2.5 billion for public school facilities.~~

472 Section 9. Effective upon this act becoming a law,  
473 subsection (13) of section 121.091, Florida Statutes, is amended  
474 to read:

475 121.091 Benefits payable under the system.-- Benefits may  
476 not be paid under this section unless the member has terminated  
477 employment as provided in s. 121.021(39)(a) or begun  
478 participation in the Deferred Retirement Option Program as  
479 provided in subsection (13), and a proper application has been  
480 filed in the manner prescribed by the department. The department  
481 may cancel an application for retirement benefits when the  
482 member or beneficiary fails to timely provide the information  
483 and documents required by this chapter and the department's  
484 rules. The department shall adopt rules establishing procedures  
485 for application for retirement benefits and for the cancellation

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486 of such application when the required information or documents  
487 are not received.

488 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and  
489 subject to the provisions of this section, the Deferred  
490 Retirement Option Program, hereinafter referred to as the DROP,  
491 is a program under which an eligible member of the Florida  
492 Retirement System may elect to participate, deferring receipt of  
493 retirement benefits while continuing employment with his or her  
494 Florida Retirement System employer. The deferred monthly  
495 benefits shall accrue in the System Trust Fund on behalf of the  
496 participant, plus interest compounded monthly, for the specified  
497 period of the DROP participation, as provided in paragraph (c).  
498 Upon termination of employment, the participant shall receive  
499 the total DROP benefits and begin to receive the previously  
500 determined normal retirement benefits. Participation in the DROP  
501 does not guarantee employment for the specified period of DROP.  
502 Participation in the DROP by an eligible member beyond the  
503 initial 60-month period as authorized in this subsection shall  
504 be on an annual contractual basis for all participants.

505 (a) Eligibility of member to participate in the DROP.--All  
506 active Florida Retirement System members in a regularly  
507 established position, and all active members of either the  
508 Teachers' Retirement System established in chapter 238 or the  
509 State and County Officers' and Employees' Retirement System  
510 established in chapter 122 which systems are consolidated within  
511 the Florida Retirement System under s. 121.011, are eligible to  
512 elect participation in the DROP provided that:

513 1. The member is not a renewed member of the Florida  
514 Retirement System under s. 121.122, or a member of the State

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515 Community College System Optional Retirement Program under s.  
516 121.051, the Senior Management Service Optional Annuity Program  
517 under s. 121.055, or the optional retirement program for the  
518 State University System under s. 121.35.

519 2. Except as provided in subparagraph 6., election to  
520 participate is made within 12 months immediately following the  
521 date on which the member first reaches normal retirement date,  
522 or, for a member who reaches normal retirement date based on  
523 service before he or she reaches age 62, or age 55 for Special  
524 Risk Class members, election to participate may be deferred to  
525 the 12 months immediately following the date the member attains  
526 57, or age 52 for Special Risk Class members. For a member who  
527 first reached normal retirement date or the deferred eligibility  
528 date described above prior to the effective date of this  
529 section, election to participate shall be made within 12 months  
530 after the effective date of this section. A member who fails to  
531 make an election within such 12-month limitation period shall  
532 forfeit all rights to participate in the DROP. The member shall  
533 advise his or her employer and the division in writing of the  
534 date on which the DROP shall begin. Such beginning date may be  
535 subsequent to the 12-month election period, but must be within  
536 the 60-month or, with respect to members who are instructional  
537 or administrative personnel employed by a community college in  
538 areas of critical need identified by the district board of  
539 trustees and who have received authorization by the district  
540 board of trustees to participate in the DROP beyond 60 months,  
541 or who are instructional or administrative personnel employed by  
542 the Florida School for the Deaf and the Blind and who have  
543 received authorization by the Board of Trustees of the Florida

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544 School for the Deaf and the Blind to participate in the DROP  
545 beyond 60 months, or who are instructional personnel as defined  
546 in s. 1012.01(2)(a)-(d) in grades K-12 or administrative  
547 personnel as defined in s. 1012.01(3) in grades K-12 and who  
548 have received authorization by the district school  
549 superintendent to participate in the DROP beyond 60 months, the  
550 96-month limitation period as provided in subparagraph (b)1.  
551 When establishing eligibility of the member to participate in  
552 the DROP for the 60-month or, with respect to members who are  
553 instructional or administrative personnel employed by a  
554 community college in areas of critical need identified by the  
555 district board of trustees and who have received authorization  
556 by the district board of trustees to participate in the DROP  
557 beyond 60 months, or who are instructional or administrative  
558 personnel employed by the Florida School for the Deaf and the  
559 Blind and who have received authorization by the Board of  
560 Trustees of the Florida School for the Deaf and the Blind to  
561 participate in the DROP beyond 60 months, or who are  
562 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
563 grades K-12 or administrative personnel as defined in s.  
564 1012.01(3) in grades K-12 and who have received authorization by  
565 the district school superintendent to participate in the DROP  
566 beyond 60 months, the 96-month maximum participation period, the  
567 member may elect to include or exclude any optional service  
568 credit purchased by the member from the total service used to  
569 establish the normal retirement date. A member with dual normal  
570 retirement dates shall be eligible to elect to participate in  
571 DROP within 12 months after attaining normal retirement date in  
572 either class.

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573           3. The employer of a member electing to participate in the  
574 DROP, or employers if dually employed, shall acknowledge in  
575 writing to the division the date the member's participation in  
576 the DROP begins and the date the member's employment and DROP  
577 participation will terminate.

578           4. Simultaneous employment of a participant by additional  
579 Florida Retirement System employers subsequent to the  
580 commencement of participation in the DROP shall be permissible  
581 provided such employers acknowledge in writing a DROP  
582 termination date no later than the participant's existing  
583 termination date or the 60-month limitation period as provided  
584 in subparagraph (b)1.

585           5. A DROP participant may change employers while  
586 participating in the DROP, subject to the following:

587           a. A change of employment must take place without a break  
588 in service so that the member receives salary for each month of  
589 continuous DROP participation. If a member receives no salary  
590 during a month, DROP participation shall cease unless the  
591 employer verifies a continuation of the employment relationship  
592 for such participant pursuant to s. 121.021(39)(b).

593           b. Such participant and new employer shall notify the  
594 division on forms required by the division as to the identity of  
595 the new employer.

596           c. The new employer shall acknowledge, in writing, the  
597 participant's DROP termination date, which may be extended but  
598 not beyond the original 60-month or, with respect to members who  
599 are instructional or administrative personnel employed by a  
600 community college in areas of critical need identified by the  
601 district board of trustees and who have received authorization

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602 by the district board of trustees to participate in the DROP  
603 beyond 60 months, or who are instructional or administrative  
604 personnel employed by the Florida School for the Deaf and the  
605 Blind and who have received authorization by the Board of  
606 Trustees of the Florida School for the Deaf and the Blind to  
607 participate in the DROP beyond 60 months, or who are  
608 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
609 grades K-12 or administrative personnel as defined in s.  
610 1012.01(3) in grades K-12 and who have received authorization by  
611 the district school superintendent to participate in the DROP  
612 beyond 60 months, the 96-month period provided in subparagraph  
613 (b)1., shall acknowledge liability for any additional retirement  
614 contributions and interest required if the participant fails to  
615 timely terminate employment, and shall be subject to the  
616 adjustment required in sub-subparagraph (c)5.d.

617         6. Effective July 1, 2001, for instructional personnel as  
618 defined in s. 1012.01(2), election to participate in the DROP  
619 shall be made at any time following the date on which the member  
620 first reaches normal retirement date. The member shall advise  
621 his or her employer and the division in writing of the date on  
622 which the Deferred Retirement Option Program shall begin. When  
623 establishing eligibility of the member to participate in the  
624 DROP for the 60-month or, with respect to members who are  
625 instructional or administrative personnel employed by a  
626 community college in areas of critical need identified by the  
627 district board of trustees and who have received authorization  
628 by the district board of trustees to participate in the DROP  
629 beyond 60 months, or who are instructional or administrative  
630 personnel employed by the Florida School for the Deaf and the

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631 Blind and who have received authorization by the Board of  
632 Trustees of the Florida School for the Deaf and the Blind to  
633 participate in the DROP beyond 60 months, or who are  
634 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
635 grades K-12 or administrative personnel as defined in s.  
636 1012.01(3) in grades K-12 and who have received authorization by  
637 the district school superintendent to participate in the DROP  
638 beyond 60 months, the 96-month maximum participation period, as  
639 provided in subparagraph (b)1., the member may elect to include  
640 or exclude any optional service credit purchased by the member  
641 from the total service used to establish the normal retirement  
642 date. A member with dual normal retirement dates shall be  
643 eligible to elect to participate in either class.

644 (b) Participation in the DROP.-

645 1. An eligible member may elect to participate in the DROP  
646 for a period not to exceed a maximum of 60 calendar months or,  
647 with respect to members who are instructional or administrative  
648 personnel employed by a community college in areas of critical  
649 need identified by the district board of trustees and who have  
650 received authorization by the district board of trustees to  
651 participate in the DROP beyond the initial 60 calendar months on  
652 an annual contractual basis, or who are instructional or  
653 administrative personnel employed by the Florida School for the  
654 Deaf and the Blind and who have received authorization by the  
655 Board of Trustees of the Florida School for the Deaf and the  
656 Blind to participate in the DROP beyond the initial 60 calendar  
657 months on an annual contractual basis, or who are instructional  
658 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or  
659 administrative personnel as defined in s. 1012.01(3) in grades

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660 K-12 and who have received authorization by the district school  
661 superintendent to participate in the DROP beyond the initial 60  
662 calendar months on an annual contractual basis, a maximum of 96  
663 calendar months immediately following the date on which the  
664 member first reaches his or her normal retirement date or the  
665 date to which he or she is eligible to defer his or her election  
666 to participate as provided in subparagraph (a)2. However, a  
667 member who has reached normal retirement date prior to the  
668 effective date of the DROP shall be eligible to participate in  
669 the DROP for a period of time not to exceed 60 calendar months  
670 or, with respect to members who are instructional or  
671 administrative personnel employed by a community college in  
672 areas of critical need identified by the district board of  
673 trustees and who have received authorization by the district  
674 board of trustees to participate in the DROP beyond the initial  
675 60 calendar months on an annual contractual basis, or who are  
676 instructional or administrative personnel employed by the  
677 Florida School for the Deaf and the Blind and who have received  
678 authorization by the Board of Trustees of the Florida School for  
679 the Deaf and the Blind to participate in the DROP beyond the  
680 initial 60 calendar months on an annual contractual basis, or  
681 who are instructional personnel as defined in s. 1012.01(2)(a)-  
682 (d) in grades K-12 or administrative personnel as defined in s.  
683 1012.01(3) in grades K-12 and who have received authorization by  
684 the district school superintendent to participate in the DROP  
685 beyond the initial 60 calendar months on an annual contractual  
686 basis, a maximum of 96 calendar months immediately following the  
687 effective date of the DROP, except a member of the Special Risk  
688 Class who has reached normal retirement date prior to the

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689 effective date of the DROP and whose total accrued value exceeds  
690 75 percent of average final compensation as of his or her  
691 effective date of retirement shall be eligible to participate in  
692 the DROP for no more than 36 calendar months immediately  
693 following the effective date of the DROP.

694 2. Upon deciding to participate in the DROP, the member  
695 shall submit, on forms required by the division:

696 a. A written election to participate in the DROP;

697 b. Selection of the DROP participation and termination  
698 dates, which satisfy the limitations stated in paragraph (a) and  
699 subparagraph 1. Such termination date shall be in a binding  
700 letter of resignation with the employer, establishing a deferred  
701 termination date. The member may change the termination date  
702 within the limitations of subparagraph 1., but only with the  
703 written approval of his or her employer;

704 c. A properly completed DROP application for service  
705 retirement as provided in this section; and

706 d. Any other information required by the division.

707 3. The DROP participant shall be a retiree under the  
708 Florida Retirement System for all purposes, except for paragraph  
709 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,  
710 and 121.122. However, participation in the DROP does not alter  
711 the participant's employment status and such employee shall not  
712 be deemed retired from employment until his or her deferred  
713 resignation is effective and termination occurs as provided in  
714 s. 121.021(39).

715 4. Elected officers shall be eligible to participate in  
716 the DROP subject to the following:

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717 a. An elected officer who reaches normal retirement date  
718 during a term of office may defer the election to participate in  
719 the DROP until the next succeeding term in that office. Such  
720 elected officer who exercises this option may participate in the  
721 DROP for up to 60 calendar months or a period of no longer than  
722 such succeeding term of office, whichever is less.

723 b. An elected or a nonelected participant may run for a  
724 term of office while participating in DROP and, if elected,  
725 extend the DROP termination date accordingly, except, however,  
726 if such additional term of office exceeds the 60-month  
727 limitation established in subparagraph 1., and the officer does  
728 not resign from office within such 60-month limitation, the  
729 retirement and the participant's DROP shall be null and void as  
730 provided in sub-subparagraph (c)5.d.

731 c. An elected officer who is dually employed and elects to  
732 participate in DROP shall be required to satisfy the definition  
733 of termination within the 60-month or, with respect to members  
734 who are instructional or administrative personnel employed by a  
735 community college in areas of critical need identified by the  
736 district board of trustees and who have received authorization  
737 by the district board of trustees to participate in the DROP  
738 beyond 60 months, or who are instructional or administrative  
739 personnel employed by the Florida School for the Deaf and the  
740 Blind and who have received authorization by the Board of  
741 Trustees of the Florida School for the Deaf and the Blind to  
742 participate in the DROP beyond 60 months, or who are  
743 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
744 grades K-12 or administrative personnel as defined in s.  
745 1012.01(3) in grades K-12 and who have received authorization by

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746 the district school superintendent to participate in the DROP  
747 beyond 60 months, the 96-month limitation period as provided in  
748 subparagraph 1. for the nonelected position and may continue  
749 employment as an elected officer as provided in s. 121.053. The  
750 elected officer will be enrolled as a renewed member in the  
751 Elected Officers' Class or the Regular Class, as provided in ss.  
752 121.053 and 121.22, on the first day of the month after  
753 termination of employment in the nonelected position and  
754 termination of DROP. Distribution of the DROP benefits shall be  
755 made as provided in paragraph (c).

756 (c) *Benefits payable under the DROP.--*

757 1. Effective with the date of DROP participation, the  
758 member's initial normal monthly benefit, including creditable  
759 service, optional form of payment, and average final  
760 compensation, and the effective date of retirement shall be  
761 fixed. The beneficiary established under the Florida Retirement  
762 System shall be the beneficiary eligible to receive any DROP  
763 benefits payable if the DROP participant dies prior to the  
764 completion of the period of DROP participation. In the event a  
765 joint annuitant predeceases the member, the member may name a  
766 beneficiary to receive accumulated DROP benefits payable. Such  
767 retirement benefit, the annual cost of living adjustments  
768 provided in s. 121.101, and interest shall accrue monthly in the  
769 System Trust Fund. Such interest shall accrue at an effective  
770 annual rate of 6.5 percent compounded monthly, on the prior  
771 month's accumulated ending balance, up to the month of  
772 termination or death.

773 2. Each employee who elects to participate in the DROP  
774 shall be allowed to elect to receive a lump-sum payment for

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775 accrued annual leave earned in accordance with agency policy  
776 upon beginning participation in the DROP. Such accumulated leave  
777 payment certified to the division upon commencement of DROP  
778 shall be included in the calculation of the member's average  
779 final compensation. The employee electing such lump-sum payment  
780 upon beginning participation in DROP will not be eligible to  
781 receive a second lump-sum payment upon termination, except to  
782 the extent the employee has earned additional annual leave which  
783 combined with the original payment does not exceed the maximum  
784 lump-sum payment allowed by the employing agency's policy or  
785 rules. Such early lump-sum payment shall be based on the hourly  
786 wage of the employee at the time he or she begins participation  
787 in the DROP. If the member elects to wait and receive such lump-  
788 sum payment upon termination of DROP and termination of  
789 employment with the employer, any accumulated leave payment made  
790 at that time cannot be included in the member's retirement  
791 benefit, which was determined and fixed by law when the employee  
792 elected to participate in the DROP.

793 3. The effective date of DROP participation and the  
794 effective date of retirement of a DROP participant shall be the  
795 first day of the month selected by the member to begin  
796 participation in the DROP, provided such date is properly  
797 established, with the written confirmation of the employer, and  
798 the approval of the division, on forms required by the division.

799 4. Normal retirement benefits and interest thereon shall  
800 continue to accrue in the DROP until the established termination  
801 date of the DROP, or until the participant terminates employment  
802 or dies prior to such date. Although individual DROP accounts  
803 shall not be established, a separate accounting of each

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804 participant's accrued benefits under the DROP shall be  
805 calculated and provided to participants.

806 5. At the conclusion of the participant's DROP, the  
807 division shall distribute the participant's total accumulated  
808 DROP benefits, subject to the following provisions:

809 a. The division shall receive verification by the  
810 participant's employer or employers that such participant has  
811 terminated employment as provided in s. 121.021(39)(b).

812 b. The terminated DROP participant or, if deceased, such  
813 participant's named beneficiary, shall elect on forms provided  
814 by the division to receive payment of the DROP benefits in  
815 accordance with one of the options listed below. For a  
816 participant or beneficiary who fails to elect a method of  
817 payment within 60 days of termination of the DROP, the division  
818 will pay a lump sum as provided in sub-sub-subparagraph (I).

819 (I) Lump sum.--All accrued DROP benefits, plus interest,  
820 less withholding taxes remitted to the Internal Revenue Service,  
821 shall be paid to the DROP participant or surviving beneficiary.

822 (II) Direct rollover.--All accrued DROP benefits, plus  
823 interest, shall be paid from the DROP directly to the custodian  
824 of an eligible retirement plan as defined in s. 402(c)(8)(B) of  
825 the Internal Revenue Code. However, in the case of an eligible  
826 rollover distribution to the surviving spouse of a deceased  
827 participant, an eligible retirement plan is an individual  
828 retirement account or an individual retirement annuity as  
829 described in s. 402(c)(9) of the Internal Revenue Code.

830 (III) Partial lump sum.--A portion of the accrued DROP  
831 benefits shall be paid to the DROP participant or surviving  
832 spouse, less withholding taxes remitted to the Internal Revenue

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833 Service, and the remaining DROP benefits shall be transferred  
834 directly to the custodian of an eligible retirement plan as  
835 defined in s. 402(c)(8)(B) of the Internal Revenue Code.  
836 However, in the case of an eligible rollover distribution to the  
837 surviving spouse of a deceased participant, an eligible  
838 retirement plan is an individual retirement account or an  
839 individual retirement annuity as described in s. 402(c)(9) of  
840 the Internal Revenue Code. The proportions shall be specified by  
841 the DROP participant or surviving beneficiary.

842 c. The form of payment selected by the DROP participant or  
843 surviving beneficiary complies with the minimum distribution  
844 requirements of the Internal Revenue Code.

845 d. A DROP participant who fails to terminate employment as  
846 defined in s. 121.021(39)(b) shall be deemed not to be retired,  
847 and the DROP election shall be null and void. Florida Retirement  
848 System membership shall be reestablished retroactively to the  
849 date of the commencement of the DROP, and each employer with  
850 whom the participant continues employment shall be required to  
851 pay to the System Trust Fund the difference between the DROP  
852 contributions paid in paragraph (i) and the contributions  
853 required for the applicable Florida Retirement System class of  
854 membership during the period the member participated in the  
855 DROP, plus 6.5 percent interest compounded annually.

856 6. The accrued benefits of any DROP participant, and any  
857 contributions accumulated under such program, shall not be  
858 subject to assignment, execution, attachment, or to any legal  
859 process whatsoever, except for qualified domestic relations  
860 orders by a court of competent jurisdiction, income deduction  
861 orders as provided in s. 61.1301, and federal income tax levies.

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862 7. DROP participants shall not be eligible for disability  
863 retirement benefits as provided in subsection (4).

864 (d) *Death benefits under the DROP.*--

865 1. Upon the death of a DROP participant, the named  
866 beneficiary shall be entitled to apply for and receive the  
867 accrued benefits in the DROP as provided in sub-subparagraph  
868 (c)5.b.

869 2. The normal retirement benefit accrued to the DROP  
870 during the month of a participant's death shall be the final  
871 monthly benefit credited for such DROP participant.

872 3. Eligibility to participate in the DROP terminates upon  
873 death of the participant. If the participant dies on or after  
874 the effective date of enrollment in the DROP, but prior to the  
875 first monthly benefit being credited to the DROP, Florida  
876 Retirement System benefits shall be paid in accordance with  
877 subparagraph (7)(c)1. or subparagraph 2.

878 4. A DROP participants' survivors shall not be eligible to  
879 receive Florida Retirement System death benefits as provided in  
880 paragraph (7)(d).

881 (e) *Cost-of-living adjustment.*--On each July 1, the  
882 participants' normal retirement benefit shall be increased as  
883 provided in s. 121.101.

884 (f) *Retiree health insurance subsidy.*--DROP participants  
885 are not eligible to apply for the retiree health insurance  
886 subsidy payments as provided in s. 112.363 until such  
887 participants have terminated employment and participation in the  
888 DROP.

889 (g) *Renewed membership.*--DROP participants shall not be  
890 eligible for renewed membership in the Florida Retirement System

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891 under ss. 121.053 and 121.122 until termination of employment is  
892 effectuated as provided in s. 121.021(39)(b).

893 (h) *Employment limitation after DROP participation.*--Upon  
894 satisfying the definition of termination of employment as  
895 provided in s. 121.021(39)(b), DROP participants shall be  
896 subject to such reemployment limitations as other retirees.  
897 Reemployment restrictions applicable to retirees as provided in  
898 subsection (9) shall not apply to DROP participants until their  
899 employment and participation in the DROP are terminated.

900 (i) *Contributions.*--

901 1. All employers paying the salary of a DROP participant  
902 filling a regularly established position shall contribute 8.0  
903 percent of such participant's gross compensation for the period  
904 of July 1, 2002, through June 30, 2003, and 11.56 percent of  
905 such compensation thereafter, which shall constitute the entire  
906 employer DROP contribution with respect to such participant.  
907 Such contributions, payable to the System Trust Fund in the same  
908 manner as required in s. 121.071, shall be made as appropriate  
909 for each pay period and are in addition to contributions  
910 required for social security and the Retiree Health Insurance  
911 Subsidy Trust Fund. Such employer, social security, and health  
912 insurance subsidy contributions are not included in the DROP.

913 2. The employer shall, in addition to subparagraph 1.,  
914 also withhold one-half of the entire social security  
915 contribution required for the participant. Contributions for  
916 social security by each participant and each employer, in the  
917 amount required for social security coverage as now or hereafter  
918 provided by the federal Social Security Act, shall be in  
919 addition to contributions specified in subparagraph 1.

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920           3. All employers paying the salary of a DROP participant  
921 filling a regularly established position shall contribute the  
922 percent of such participant's gross compensation required in s.  
923 121.071(4), which shall constitute the employer's health  
924 insurance subsidy contribution with respect to such participant.  
925 Such contributions shall be deposited by the administrator in  
926 the Retiree Health Insurance Subsidy Trust Fund.

927           (j) *Forfeiture of retirement benefits.*--Nothing in this  
928 section shall be construed to remove DROP participants from the  
929 scope of s. 8(d), Art. II of the State Constitution, s.  
930 112.3173, and paragraph (5)(f). DROP participants who commit a  
931 specified felony offense while employed will be subject to  
932 forfeiture of all retirement benefits, including DROP benefits,  
933 pursuant to those provisions of law.

934           (k) *Administration of program.*--The division shall make  
935 such rules as are necessary for the effective and efficient  
936 administration of this subsection. The division shall not be  
937 required to advise members of the federal tax consequences of an  
938 election related to the DROP but may advise members to seek  
939 independent advice.

940           Section 10. Subsection (20) of section 1001.42, Florida  
941 Statutes, is amended to read:

942           1001.42 Powers and duties of district school board.--The  
943 district school board, acting as a board, shall exercise all  
944 powers and perform all duties listed below:

945           (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the  
946 anonymity of students in large schools, adopt policies to  
947 encourage any large school ~~that does not meet the definition of~~  
948 ~~a small school, as established by s. 1013.43(2),~~ to subdivide

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949 into schools-within-a-school that shall operate within existing  
950 resources in accordance with the provisions of chapter 1003.

951 Section 11. Section 1002.395, Florida Statutes, is created  
952 to read:

953 1002.395 Florida Learning Access Grants.--

954 (1) POPULAR NAME.--This section shall be known by the  
955 popular name the "Florida Learning Access Grants Program."

956 (2) DISTRICT PARTICIPATION.--District school boards may  
957 choose to implement the Florida Learning Access Grants program  
958 as a strategy to reduce class size in their local school  
959 districts pursuant to s. 1003.03(4). District school boards may  
960 be required to participate in this program to reduce class size  
961 if the Commissioner of Education so determines pursuant to s.  
962 1003.03(5)(b).

963 (3) PARENTAL CHOICE.--The parent of any K-12 student in a  
964 school district participating in the program pursuant to  
965 subsection (2) who is enrolled and in attendance during the  
966 October and February FTE enrollment counts in a Florida public  
967 school may, for the following school year:

968 (a) Opt to have the student remain in the school in which  
969 the student is enrolled; or

970 (b) Opt to request, on an annual basis, a Florida Learning  
971 Access Grant to assist the parent in paying for the student's  
972 attendance at an eligible private school of the parent's choice.  
973 The grant shall be in the amount of \$3,500 in 2003 dollars,  
974 adjusted annually thereafter to reflect increases or decreases  
975 in the Consumer Price Index, or the tuition charged by the  
976 private school, whichever is less. The parent choosing a Florida

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977 Learning Access Grant shall be responsible for the child's  
978 transportation.

979 (4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.--Each  
980 school district participating in this program shall annually by  
981 February 22, for each K-12 student eligible under subsection  
982 (3), notify the parent that the school district has chosen to  
983 offer Florida Learning Access Grants and provide the parent with  
984 the parental choice options for the following school year as  
985 provided in subsection (3).

986 (5) PARENT OBLIGATIONS.--

987 (a) The parent shall notify the school district as to  
988 which of the options provided in subsection (3) the parent  
989 wishes to choose.

990 1. Failure of the parent to provide notification shall  
991 constitute the choice of the option provided by paragraph  
992 (3)(a).

993 2. If the parent chooses the option provided by paragraph  
994 (3)(b), the parent must:

995 a. Obtain acceptance for admission of the student to a  
996 private school eligible under subsection (6) as soon as possible  
997 and inform the private school that the student will be using a  
998 Florida Learning Access Grant.

999 b. Notify the Department of Education of the parent's  
1000 request for a Florida Learning Access Grant and the name and  
1001 address of the selected private school.

1002 c. Agree to provide transportation for the student to the  
1003 private school if necessary.

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1004 d. Agree to pay any costs associated with the student's  
1005 attendance at the private school that exceed the annual amount  
1006 of the Florida Learning Access Grant.

1007 e. Agree that the education provided by the private school  
1008 selected shall satisfy the student's full need for educational  
1009 services from the student's school.

1010 f. Ensure that the student takes a nationally normed  
1011 examination as determined by the private school for each grade 3  
1012 through 10. The results of the examination shall be provided to  
1013 the parent.

1014 (b) After the first year of the student's attendance at a  
1015 private school under the Florida Learning Access Grants program,  
1016 the parent must annually notify the Department of Education if  
1017 the parent intends to renew the grant according to the  
1018 provisions of subsection (8) in order for the student to  
1019 continue in the program, together with the name and address of  
1020 the private school selected for the student for the following  
1021 year.

1022 (6) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a private  
1023 school shall be determined by the parental oversight and  
1024 accountability requirements that, coupled with the exercise of  
1025 parental choice, are reasonably necessary to secure the  
1026 educational public purpose. To be eligible to participate in the  
1027 Florida Learning Access Grants program, a private school must be  
1028 a Florida private school, may be sectarian or nonsectarian, and  
1029 must:

1030 (a) Demonstrate fiscal soundness by being in operation for  
1031 1 school year or provide the Department of Education with a  
1032 statement by a certified public accountant confirming that the

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1033 private school desiring to participate is insured and the owner  
1034 or owners have sufficient capital or credit to operate the  
1035 school for the upcoming year serving the number of students  
1036 anticipated with expected revenues from tuition and other  
1037 sources that may be reasonably expected. In lieu of such a  
1038 statement, a surety bond or letter of credit for the amount  
1039 equal to the Florida Learning Access Grant funds for any school  
1040 year may be filed with the department.

1041 (b) Notify the Department of Education and the school  
1042 district in the service areas in which the school is located of  
1043 its intent to participate in the program under this section as  
1044 early as possible, but no later than July 1 preceding the school  
1045 year in which it intends to participate. The notice shall  
1046 specify the grade levels and services that the private school  
1047 has available for the Florida Learning Access Grants program.

1048 (c) Comply with the antidiscrimination provisions of 42  
1049 U.S.C. s. 2002d.

1050 (d) Meet state and local health and safety laws and codes.

1051 (e) Comply with all state statutes applicable to the  
1052 general regulation of private schools.

1053 (f) If a Florida Learning Access Grant student's parent so  
1054 requests, coordinate with the school district the locations and  
1055 times for the student to take all statewide assessments pursuant  
1056 to s. 1008.22.

1057 (7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

1058 (a) Initial Florida Learning Access Grants shall be  
1059 offered on a first-come, first-served basis.

1060 (b) The number of initial Florida Learning Access Grants  
1061 to be awarded shall be determined annually by the Department of

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1062 Education based upon the department's determination of the  
1063 number that would be necessary to reduce class size to meet the  
1064 school district's two-student-per-year reduction requirements  
1065 pursuant to s. 1003.03(3) or to meet the constitutional class  
1066 size maximums described in s. 1003.03(2). However, district  
1067 school boards may authorize more Florida Learning Access Grants  
1068 than the number established by the department.

1069 (8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes  
1070 of educational continuity and parental choice, a Florida  
1071 Learning Access Grant, once awarded, shall be renewable for as  
1072 long as the parent is a Florida resident who opts for  
1073 continuation of the grant for the student and the student  
1074 lawfully attends an eligible private school through grade 12 or  
1075 until the student graduates from high school. The Florida  
1076 Learning Access Grant may be transferred from one eligible  
1077 private school to another upon the school's acceptance of the  
1078 student and the parent's provision of adequate notice to the  
1079 Department of Education. A parent may, however, at any time opt  
1080 to return the student to the public school.

1081 (9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.--Upon  
1082 proper documentation reviewed and approved by the Department of  
1083 Education, the Chief Financial Officer shall make Florida  
1084 Learning Access Grant payments in four equal amounts no later  
1085 than September 1, November 1, February 1, and April 1 of each  
1086 academic year. The initial payment shall be made after  
1087 Department of Education verification of admission acceptance,  
1088 and subsequent payments shall be made upon verification of the  
1089 student's continued enrollment and attendance at the private  
1090 school. Payment must be by individual warrant made payable to

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1091 the student's parent and mailed by the Department of Education  
1092 to the private school of the parent's choice, and the parent  
1093 shall restrictively endorse the warrant to the private school.

1094 (10) LIABILITY.--No liability shall arise on the part of  
1095 the state based on the award or use of any Florida Learning  
1096 Access Grant.

1097 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1098 (a)1. Upon notification of the number of students whose  
1099 parents have opted to request initial Florida Learning Access  
1100 Grants, the Department of Education shall transfer from general  
1101 revenue funds appropriated to the school district the total  
1102 amount of annual \$3,500 grants for the school district's  
1103 students from the Florida Education Finance Program to a  
1104 separate account for the disbursement of the initial Florida  
1105 Learning Access Grants.

1106 2. The Department of Education shall, in its annual  
1107 budget, provide for Florida Learning Access Grants for parents  
1108 who wish their children to continue participation in the Florida  
1109 Learning Access Grants program beyond the initial year of  
1110 participation.

1111 (b) The Department of Education shall administer the  
1112 Florida Learning Access Grants program, and the State Board of  
1113 Education may adopt rules pursuant ss. 120.536(1) and 120.54 to  
1114 implement the provisions of this section. However, the inclusion  
1115 of eligible private schools within options available to Florida  
1116 public school students does not expand the regulatory authority  
1117 of the state, its officers, or any school district to impose any  
1118 additional regulations on private schools beyond those

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1119 reasonably necessary to enforce requirements expressly set forth  
1120 in this section.

1121 Section 12. Section 1002.396, Florida Statutes, is created  
1122 to read:

1123 1002.396 Kindergarten grants program.--

1124 (1) LEGISLATIVE INTENT; KINDERGARTEN GRANTS

1125 PROGRAM.--Recognizing the importance of each child having the  
1126 best possible foundation for his or her success in school, it is  
1127 the intent of the Legislature that the parents of a child who  
1128 will have attained the age of 5 years on or before September 1  
1129 of the school year or who is otherwise eligible to attend  
1130 kindergarten in a Florida public school be given the option:

1131 (a) To enroll the child in and transport the child to  
1132 kindergarten in any public school within the school district  
1133 other than the school to which the child is assigned; or

1134 (b) To receive a kindergarten grant to enroll the child in  
1135 an eligible private kindergarten of the parent's choice. The  
1136 grant shall be in the amount of \$3,500 in 2003 dollars, adjusted  
1137 annually thereafter to reflect increases or decreases in the  
1138 Consumer Price Index, or the tuition charged by the private  
1139 kindergarten, whichever is less. The parent choosing a  
1140 kindergarten grant shall be responsible for the child's  
1141 transportation.

1142 (2) PARENT OBLIGATIONS.--

1143 (a) The parent choosing to participate in the kindergarten  
1144 grants program shall notify the school district as to which of  
1145 the options provided in subsection (1) the parent wishes to  
1146 choose.



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1147 (b) If the parent chooses the option provided in paragraph  
1148 (1)(a), the parent shall inform the school district by May 1  
1149 which public school the parent has selected, and the parent  
1150 shall agree to provide any necessary transportation to the  
1151 selected public school.

1152 (c) If the parent chooses the option provided in paragraph  
1153 (1)(b), the parent shall:

1154 1. Obtain acceptance for admission of the child to a  
1155 private kindergarten eligible under subsection (3) as soon as  
1156 possible and inform the private kindergarten that the child will  
1157 be using a kindergarten grant.

1158 2. Notify the Department of Education by July 1 of the  
1159 parent's request for a kindergarten grant and the name and  
1160 address of the selected private kindergarten.

1161 3. Agree to provide any necessary transportation for the  
1162 child to the selected private kindergarten.

1163 4. Agree to pay any costs associated with the child's  
1164 attendance at the private kindergarten that exceed the amount of  
1165 the kindergarten grant.

1166 (3) PRIVATE KINDERGARTEN ELIGIBILITY.--Eligibility of a  
1167 private kindergarten shall be determined by the parental  
1168 oversight and accountability requirements that, coupled with the  
1169 exercise of parental choice, are reasonably necessary to secure  
1170 the educational public purpose. To be eligible to participate in  
1171 the kindergarten grants program, a kindergarten must be a  
1172 Florida private kindergarten, may be sectarian or nonsectarian,  
1173 and must:

1174 (a) Demonstrate fiscal soundness by being in operation for  
1175 1 school year or provide the Department of Education with a

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1176 statement by a certified public accountant confirming that the  
1177 private kindergarten desiring to participate is insured and the  
1178 owner or owners have sufficient capital or credit to operate the  
1179 kindergarten for the upcoming year serving the number of  
1180 students anticipated with expected revenues from tuition and  
1181 other sources that may be reasonably expected. In lieu of such a  
1182 statement, a surety bond or letter of credit for the amount  
1183 equal to the kindergarten grants funds for any school year may  
1184 be filed with the department.

1185 (b) Notify the Department of Education and the school  
1186 district in the service area in which the kindergarten is  
1187 located of its intent to participate in the program under this  
1188 section as early as possible, but no later than July 1 preceding  
1189 the school year in which it intends to participate.

1190 (c) Comply with the antidiscrimination provisions of 42  
1191 U.S.C. s. 2000d.

1192 (d) Meet state and local health and safety laws and codes.

1193 (e) Comply with all state statutes applicable to the  
1194 general regulation of private schools.

1195 (4) KINDERGARTEN GRANT DISBURSEMENT.--Upon proper  
1196 documentation reviewed and approved by the Department of  
1197 Education, the Chief Financial Officer shall make kindergarten  
1198 grant payments in four equal amounts no later than September 1,  
1199 November 1, February 1, and April 1 of each academic year. The  
1200 initial payment shall be made after Department of Education  
1201 verification of admission acceptance, and subsequent payments  
1202 shall be made upon verification of the student's continued  
1203 enrollment and attendance at the private kindergarten. Payment  
1204 must be by individual warrant made payable to the student's

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1205 parent and mailed by the Department of Education to the private  
1206 kindergarten of the parent's choice, and the parent shall  
1207 restrictively endorse the warrant to the private kindergarten.

1208 (5) LIABILITY.--No liability shall arise on the part of  
1209 the state based on the award or use of any kindergarten grant.

1210 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1211 (a) The Department of Education shall transfer from  
1212 general revenue funds appropriated to the school district the  
1213 total amount of annual \$3,500 grants for the school district's  
1214 students from the Florida Education Finance Program to a  
1215 separate account for the disbursement of the kindergarten  
1216 grants.

1217 (b) The Department of Education shall administer the  
1218 kindergarten grants program and may adopt rules pursuant to ss.  
1219 120.536(1) and 120.54 to implement the provisions of this  
1220 section. However, the inclusion of eligible private schools  
1221 within options available to Florida public school students does  
1222 not expand the regulatory authority of the state, its officers,  
1223 or any school district to impose any additional regulations on  
1224 private schools beyond those reasonably necessary to enforce  
1225 requirements expressly set forth in this section.

1226 Section 13. Section 1002.397, Florida Statutes, is created  
1227 to read:

1228 1002.397 K-8 Virtual School Grants Program.--

1229 (1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--Parents of a  
1230 student who is eligible to attend kindergarten or grade 1, 2, 3,  
1231 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida  
1232 public school during the October and February FTE enrollment  
1233 counts or is entering kindergarten or first grade and has been

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1234 assigned to a specific Florida public school shall be given the  
1235 option to enroll the student in an eligible K-8 virtual school  
1236 of the parent's choice. The student shall be enrolled as a full-  
1237 time student. The student shall be eligible for a virtual school  
1238 grant in the amount of \$4,800 in 2003 dollars, adjusted annually  
1239 thereafter to reflect increases or decreases in the Consumer  
1240 Price Index, or the tuition charged by the eligible K-8 virtual  
1241 school, whichever is less. Students who are enrolled in  
1242 traditional public school classes that are not in compliance  
1243 with the maximum class sizes provided in s. 1003.03 or who have  
1244 scored Level 1 on the Florida Comprehensive Assessment Test or  
1245 have been retained shall be given priority.

1246 (2) STUDENT AND PARENT OBLIGATIONS.--

1247 (a) The parent of an eligible student choosing to  
1248 participate in the K-8 Virtual School Grants Program shall  
1249 notify the school district of the parent's desire for the  
1250 student to participate in the grants program.

1251 (b) The parent shall:

1252 1. Obtain acceptance for admission of the student to an  
1253 eligible K-8 virtual school and inform the virtual school that  
1254 the child will be using a virtual school grant.

1255 2. Notify the Department of Education by July 1 of the  
1256 parent's request for a K-8 virtual school grant and the name and  
1257 address of the selected virtual school.

1258 3. Agree to pay any costs, including any transportation,  
1259 associated with the child's attendance at the K-8 virtual school  
1260 that exceed the amount of the K-8 virtual school grant.

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1261 (c) Each parent shall serve as, or provide, an onsite  
1262 mentor or facilitator at the site where the student is  
1263 physically located.

1264 (d) Each student shall have access to a singular,  
1265 consistent curriculum that meets or exceeds the Sunshine State  
1266 Standards and that has an interactive program with significant  
1267 on-line components. Nothing in this section, however, shall  
1268 prohibit a student from working at a different grade level in a  
1269 subject within the singular curriculum.

1270 (e) Each student enrolled in an approved K-8 virtual  
1271 school shall be a full-time student. Enrolled students must take  
1272 all language arts, mathematics, science, history, and required  
1273 courses for the grade level in which the student is enrolled.

1274 (f) Each student enrolled in an approved K-8 virtual  
1275 school in grades 3, 4, 5, 6, 7, and 8 shall participate in the  
1276 Florida Comprehensive Assessment Test (FCAT) in accordance with  
1277 the requirement of s. 1008.22. Students in grades that are not  
1278 required to take the FCAT shall participate in local assessments  
1279 and in the K-3 state-approved assessment for reading adopted by  
1280 Just Read Florida.

1281 (3) K-8 VIRTUAL SCHOOL ELIGIBILITY.--As used in this  
1282 section, a "K-8 virtual school" means an independent public  
1283 school that uses on-line and distance learning technology in  
1284 order to deliver instruction to students in kindergarten and  
1285 grades 1 through 8. Eligibility of a K-8 virtual school to  
1286 participate in the K-8 Virtual School Grants Program shall be  
1287 determined by the State Board of Education. To be eligible to  
1288 participate in the program, a K-8 virtual school must:

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1289       (a) Demonstrate fiscal soundness by being in operation for  
1290 at least 1 school year or provide the Department of Education  
1291 with a statement by a certified public accountant confirming  
1292 that the K-8 virtual school desiring to participate is insured  
1293 and the owner or owners have sufficient capital or credit to  
1294 operate the school for the upcoming year serving the number of  
1295 students anticipated with expected revenues from tuition and  
1296 other sources that may be reasonably expected. In lieu of such a  
1297 statement, a surety bond or letter of credit for the amount  
1298 equal to the K-8 virtual school grants funds for any school year  
1299 may be filed with the department.

1300       (b) Notify the Department of Education of its intent to  
1301 participate in the program under this section as early as  
1302 possible, but no later than July 1 preceding the school year in  
1303 which it intends to participate, except that such notification  
1304 deadline shall not apply in the first year of implementation.

1305       (c) Comply with the antidiscrimination provisions of 42  
1306 U.S.C. s. 2000d.

1307       (d) Submit to the State Board of Education forecasted  
1308 enrollment, actual enrollments, and grade completions for the K-  
1309 8 virtual school according to procedures established by the  
1310 State Board of Education. At a minimum, such procedures must  
1311 include the number of students served by grade and by county of  
1312 residence.

1313       (e) Provide, free of charge, all instructional materials  
1314 for each student enrolled in the K-8 virtual school for as long  
1315 as the student is enrolled. In addition, for each household with  
1316 a student or students enrolled in a K-8 virtual school, the  
1317 virtual school must make available, free of charge, a computer

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1318 and a printer, in addition to a subsidized Internet connection,  
1319 for as long as the student is enrolled. Nothing in this  
1320 paragraph prevents students from using their own computers,  
1321 printers, or Internet connections.

1322 (f) Conform all curriculum and course content to the  
1323 Sunshine State Standards. All reading and other content area  
1324 strategies shall be based on scientific research.

1325 (g) Administer the Florida Comprehensive Assessment Test  
1326 (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or,  
1327 for those students in grades that are not required to take the  
1328 FCAT, local assessments and the K-3 state-approved assessment  
1329 for reading adopted by Just Read Florida.

1330 (h) Employ on-line teachers who are certified in Florida.  
1331 All on-line teachers shall meet with each student at least once  
1332 per month during each school semester, either face-to-face at  
1333 the school facility or another mutually agreed upon location or  
1334 via telephone. On-line teachers shall be available to students,  
1335 parents, and onsite mentors and facilitators on a schedule  
1336 equivalent to that of a normal public school day and normal  
1337 public school calendar for each K-8 virtual school student's  
1338 public school district in a variety of ways, including, but not  
1339 limited to, telephone and electronic mail.

1340 (i) Maintain an administrative office, which shall be  
1341 considered its principal place of business within the state.

1342 (4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--Upon proper  
1343 documentation reviewed and approved by the Department of  
1344 Education, the Chief Financial Officer shall make K-8 virtual  
1345 school grant payments in four equal amounts no later than  
1346 September 1, November 1, February 1, and April 1 of each

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1347 academic year. The initial payment shall be made after  
1348 Department of Education verification of admission acceptance,  
1349 and subsequent payments shall be made upon verification of the  
1350 student's continued enrollment. Payment must be by individual  
1351 warrant made payable to the student's parent and mailed by the  
1352 Department of Education to the K-8 virtual school of the  
1353 parent's choice, and the parent shall restrictively endorse the  
1354 warrant to the virtual school.

1355 (5) LIABILITY.--No liability shall arise on the part of  
1356 the state based on the award or use of any K-8 virtual school  
1357 grant.

1358 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department  
1359 of Education shall administer the K-8 Virtual School Grants  
1360 Program.

1361 (a) The department may approve one or more K-8 virtual  
1362 schools for the purpose of delivering K-8 on-line and distance  
1363 learning education.

1364 (b) The department shall monitor each K-8 virtual school's  
1365 performance and annually evaluate each K-8 virtual school based  
1366 on the following criteria:

1367 1. The extent to which the school demonstrates increases  
1368 in student achievement according to the goals of the Sunshine  
1369 State Standards.

1370 2. Student achievement data from the Florida Comprehensive  
1371 Assessment Test (FCAT) for grades 3 through 8. The school shall  
1372 be assigned a school performance grade under the school grading  
1373 system. For those students in kindergarten and grades 1 and 2  
1374 who are not required to take the FCAT, student achievement data



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1375 shall be from local assessments and the K-3 state-approved  
1376 assessment for reading adopted by Just Read Florida.

1377 3. Grade completion rate, based upon the goals of a  
1378 70-percent completion rate, with 80 percent of those completing  
1379 grades scoring at Level 3 or higher on the FCAT or at least  
1380 satisfactory on the K-3 assessment.

1381 4. Parent satisfaction rate, based upon the goal of 80  
1382 percent of parents of participating students indicating  
1383 satisfaction with the school.

1384 5. The accountability and viability of the K-8 virtual  
1385 school as demonstrated by its academic, fiscal, and operational  
1386 performance.

1387  
1388 The Department of Education shall report each K-8 virtual  
1389 school's performance to the State Board of Education, the  
1390 President of the Senate, and the Speaker of the House of  
1391 Representatives.

1392 (7) RULEMAKING.--The State Board of Education may adopt  
1393 rules in accordance with ss. 120.536(1) and 120.54 as necessary  
1394 to implement this section, including reporting requirements for  
1395 K-8 virtual schools operating pursuant to this section.

1396 Section 14. A new subsection (5) is added to section  
1397 220.187, Florida Statutes, present subsections (5) through (7)  
1398 are renumbered as subsections (6) through (8), respectively, and  
1399 paragraph (c) of subsection (2), paragraph (b) of subsection  
1400 (3), paragraph (e) of subsection (4), and paragraph (a) of  
1401 present subsection (6) of said section are amended, to read:

1402 220.187 Credits for contributions to nonprofit  
1403 scholarship-funding organizations.--

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1404 (2) DEFINITIONS.--As used in this section, the term:

1405 (c) "Eligible nonpublic school" means a nonpublic school  
1406 located in Florida that offers an education to students in any  
1407 grades K-12 and that meets the requirements in subsection (6)  
1408 ~~(5)~~.

1409 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
1410 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

1411 (b) Notwithstanding any other provision of law, the total  
1412 amount of tax credit which may be granted each state fiscal year  
1413 under both this section and s. 220.1875 is \$100 ~~\$50~~ million.

1414 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1415 ORGANIZATIONS.--

1416 (e) An eligible nonprofit scholarship-funding organization  
1417 that receives an eligible contribution must spend 100 percent of  
1418 the eligible contribution to provide scholarships within 6  
1419 months after the date the contribution was received or in the  
1420 same state fiscal year in which the contribution was received,  
1421 whichever is later. No portion of eligible contributions may be  
1422 used for administrative expenses. All interest accrued from  
1423 contributions must be used for scholarships.

1424 (5) PARENT OBLIGATIONS.--As a condition for scholarship  
1425 payment pursuant to paragraph (4)(g), if the parent chooses for  
1426 his or her child to attend an eligible nonpublic school, the  
1427 parent must inform the child's school district within 15 days  
1428 after such decision.

1429 ~~(7)(6)~~ ADMINISTRATION; RULES.--

1430 (a) If the credit granted pursuant to this section is not  
1431 fully used in any one year because of insufficient tax liability  
1432 on the part of the corporation, the unused amount may ~~not~~ be

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1433 carried forward for a period not to exceed 3 years. A taxpayer  
1434 may not convey, assign, or transfer the credit authorized by  
1435 this section to another entity unless all of the assets of the  
1436 taxpayer are conveyed, assigned, or transferred in the same  
1437 transaction. This carryforward applies to all approved  
1438 contributions made after January 1, 2002.

1439 Section 15. Section 220.1875, Florida Statutes, is created  
1440 to read:

1441 220.1875 Credits for contributions to nonprofit  
1442 scholarship-funding organizations; scholarships for dependent  
1443 children of active duty or reserve personnel in the United  
1444 States military, United States Armed Forces veterans, or members  
1445 of the Florida National Guard.--

1446 (1) PURPOSE.--The purpose of this section is to:

1447 (a) Encourage private, voluntary contributions to  
1448 nonprofit scholarship-funding organizations.

1449 (b) Expand educational opportunities for dependent  
1450 children of active duty or reserve personnel in the United  
1451 States military, United States Armed Forces veterans, or members  
1452 of the Florida National Guard.

1453 (c) Enable children in this state to achieve a greater  
1454 level of excellence in their education.

1455 (2) DEFINITIONS.--As used in this section, the term:

1456 (a) "Department" means the Department of Revenue.

1457 (b) "Eligible contribution" means a monetary contribution  
1458 from a taxpayer, subject to the restrictions provided in this  
1459 section, to an eligible nonprofit scholarship-funding  
1460 organization. The taxpayer making the contribution may not  
1461 designate a specific child as the beneficiary of the

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1462 contribution. The taxpayer may not contribute more than \$5  
1463 million in 2003 dollars, adjusted annually thereafter to reflect  
1464 increases or decreases in the Consumer Price Index, to any  
1465 single eligible nonprofit scholarship-funding organization.

1466 (c) "Eligible nonpublic school" means a nonpublic school  
1467 located in Florida that offers an education to students in any  
1468 grades K-12 and that meets the requirements in subsection (5).

1469 (d) "Eligible nonprofit scholarship-funding organization"  
1470 means a charitable organization that is exempt from federal  
1471 income tax pursuant to s. 501(c)(3) of the Internal Revenue Code  
1472 and that complies with the provisions of subsection (4).

1473 (e) "Qualified student" means a dependent child of active  
1474 duty or reserve personnel in the United States military, a  
1475 dependent child of a United States Armed Forces veteran, a  
1476 dependent child of a member of the Florida National Guard, or  
1477 any qualified student, pursuant to s. 220.187, as further  
1478 provided in paragraph (4)(d).

1479 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
1480 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

1481 (a) There is allowed a credit of 100 percent of an  
1482 eligible contribution against any tax due for a taxable year  
1483 under this chapter. However, such a credit may not exceed 75  
1484 percent of the tax due under this chapter for the taxable year,  
1485 after the application of any other allowable credits by the  
1486 taxpayer. The credit granted by this section shall be reduced by  
1487 the difference between the amount of federal corporate income  
1488 tax taking into account the credit granted by this section and  
1489 the amount of federal corporate income tax without application  
1490 of the credit granted by this section.

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1491 (b) The total amount of tax credit that may be granted  
1492 each state fiscal year under this section is \$10 million in 2003  
1493 dollars, adjusted annually thereafter to reflect increases or  
1494 decreases in the Consumer Price Index.

1495 (c) A taxpayer who files a Florida consolidated return as  
1496 a member of an affiliated group pursuant to s. 220.131(1) may be  
1497 allowed the credit on a consolidated return basis; however, the  
1498 total credit taken by the affiliated group is subject to the  
1499 limitation established under paragraph (a).

1500 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
1501 ORGANIZATIONS.--

1502 (a) An eligible nonprofit scholarship-funding organization  
1503 shall provide scholarships, from eligible contributions, to  
1504 qualified students for:

1505 1. Tuition or textbook expenses for, or transportation to,  
1506 an eligible nonpublic school. At least 75 percent of the  
1507 scholarship funding must be used to pay tuition expenses; or

1508 2. Transportation expenses to a Florida public school that  
1509 is located outside the district in which the student resides.

1510 (b) An eligible nonprofit scholarship-funding organization  
1511 shall give priority to qualified students who received a  
1512 scholarship from an eligible nonprofit scholarship-funding  
1513 organization during the previous school year.

1514 (c) The amount of a scholarship provided to any child for  
1515 any single school year by all eligible nonprofit scholarship-  
1516 funding organizations from eligible contributions shall not  
1517 exceed the following annual limits:

1518 1. Three thousand five hundred dollars in 2003 dollars,  
1519 adjusted annually thereafter to reflect increases or decreases

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1520 in the Consumer Price Index, for a scholarship awarded to a  
1521 student enrolled in an eligible nonpublic school.

1522 2. Five hundred dollars in 2003 dollars, adjusted annually  
1523 thereafter to reflect increases or decreases in the Consumer  
1524 Price Index, for a scholarship awarded to a student enrolled in  
1525 a Florida public school that is located outside the district in  
1526 which the student resides.

1527 (d) An eligible nonprofit scholarship-funding organization  
1528 that receives an eligible contribution must spend 100 percent of  
1529 the eligible contribution to provide scholarships within 6  
1530 months after the date the contribution was received or in the  
1531 same state fiscal year in which the contribution was received,  
1532 whichever is later. An eligible nonprofit scholarship-funding  
1533 organization may use eligible contributions to provide  
1534 scholarships to qualified students, pursuant to s. 220.187,  
1535 after it has served qualified dependent children of active duty  
1536 or reserve personnel in the United States military, dependent  
1537 children of United States Armed Forces veterans, or dependent  
1538 children of members of the Florida National Guard. No portion of  
1539 eligible contributions may be used for administrative expenses.  
1540 All interest accrued from contributions must be used for  
1541 scholarships.

1542 (e) An eligible nonprofit scholarship-funding organization  
1543 that receives eligible contributions must provide to the Auditor  
1544 General an annual financial and compliance audit of its accounts  
1545 and records conducted by an independent certified public  
1546 accountant and in accordance with rules adopted by the Auditor  
1547 General.

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1548       (f) Payment of the scholarship by the eligible nonprofit  
1549 scholarship-funding organization shall be by individual warrant  
1550 or check made payable to the student's parent. If the parent  
1551 chooses for his or her child to attend an eligible nonpublic  
1552 school, the warrant or check must be mailed by the eligible  
1553 nonprofit scholarship-funding organization to the nonpublic  
1554 school of the parent's choice, and the parent shall  
1555 restrictively endorse the warrant or check to the nonpublic  
1556 school. An eligible nonprofit scholarship-funding organization  
1557 shall ensure that, upon receipt of a scholarship warrant or  
1558 check, the parent to whom the warrant or check is made payable  
1559 restrictively endorses the warrant or check to the nonpublic  
1560 school of the parent's choice for deposit into the account of  
1561 the nonpublic school.

1562       (5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.--An eligible  
1563 nonpublic school must:

1564       (a) Demonstrate fiscal soundness by being in operation for  
1565 one school year or provide the Department of Education with a  
1566 statement by a certified public accountant confirming that the  
1567 nonpublic school desiring to participate is insured and the  
1568 owner or owners have sufficient capital or credit to operate the  
1569 school for the upcoming year serving the number of students  
1570 anticipated with expected revenues from tuition and other  
1571 sources that may be reasonably expected. In lieu of such a  
1572 statement, a surety bond or letter of credit for the amount  
1573 equal to the scholarship funds for any quarter may be filed with  
1574 the department.

1575       (b) Comply with the antidiscrimination provisions of 42  
1576 U.S.C. s. 2000d.

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1577 (c) Meet state and local health and safety laws and codes.

1578 (d) Comply with all state laws relating to general

1579 regulation of nonpublic schools.

1580 (6) ADMINISTRATION; RULES.--

1581 (a) An application for a tax credit pursuant to this

1582 section shall be submitted to the department on forms

1583 established by rule of the department.

1584 (b) The department and the Department of Education shall

1585 develop a cooperative agreement to assist in the administration

1586 of this section. The Department of Education shall be

1587 responsible for annually submitting, by March 15, to the

1588 department a list of eligible nonprofit scholarship-funding

1589 organizations that meet the requirements of paragraph (2)(d) and

1590 for monitoring eligibility of nonprofit scholarship-funding

1591 organizations that meet the requirements of paragraph (2)(d),

1592 eligibility of nonpublic schools that meet the requirements of

1593 paragraph (2)(c), and eligibility of expenditures under this

1594 section as provided in subsection (4).

1595 (c) The department shall adopt rules necessary to

1596 administer this section, including rules establishing

1597 application forms and procedures and governing the allocation of

1598 tax credits under this section on a first-come, first-served

1599 basis.

1600 (d) The Department of Education shall adopt rules

1601 necessary to determine eligibility of nonprofit scholarship-

1602 funding organizations as defined in paragraph (2)(d) and

1603 according to the provisions of subsection (4) and identify

1604 qualified students as defined in paragraph (2)(e).



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1605        (7) DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All eligible  
1606 contributions received by an eligible nonprofit scholarship-  
1607 funding organization shall be deposited in a manner consistent  
1608 with s. 18.10(2).

1609        Section 16. Paragraph (b) of subsection (2) and paragraph  
1610 (a) of subsection (6) of section 1002.20, Florida Statutes, are  
1611 amended to read:

1612        1002.20 K-12 student and parent rights.--K-12 students and  
1613 their parents are afforded numerous statutory rights including,  
1614 but not limited to, the following:

1615        (2) ATTENDANCE.--

1616        (b) Regular school attendance.--Parents of students who  
1617 have attained the age of 6 years by February 1 of any school  
1618 year but who have not attained the age of 16 years must comply  
1619 with the compulsory school attendance laws. Parents have the  
1620 option to comply with the school attendance laws by attendance  
1621 of the student in a public school, including the Florida Virtual  
1622 School operating pursuant to s. 1002.37; a parochial, religious,  
1623 or denominational school; a private school; a home education  
1624 program; a K-8 virtual school operating pursuant to s. 1002.397;  
1625 or a private tutoring program, in accordance with the provisions  
1626 of s. 1003.01(13)(14).

1627        (6) EDUCATIONAL CHOICE.--

1628        (a) Public school choices.--Parents of public school  
1629 students may seek whatever public school choice options that are  
1630 applicable to their students ~~and are available to students in~~  
1631 ~~their school districts~~. These options may include controlled  
1632 open enrollment, lab schools, charter schools, charter technical  
1633 career centers, magnet schools, alternative schools, special

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1634 programs, advanced placement, dual enrollment, International  
1635 Baccalaureate, early admissions, credit by examination or  
1636 demonstration of competency, the New World School of the Arts,  
1637 the Florida School for the Deaf and the Blind, ~~and~~ the Florida  
1638 Virtual School, and K-8 virtual schools operating pursuant to s.  
1639 1002.397. These options may also include the public school  
1640 choice options of the Opportunity Scholarship Program and the  
1641 McKay Scholarships for Students with Disabilities Program.

1642 Section 17. Subsection (13) of section 1002.33, Florida  
1643 Statutes, is repealed, subsections (14) through (26) are  
1644 renumbered as subsections (13) through (25), respectively, and  
1645 paragraph (e) of subsection (10) and paragraph (a) of present  
1646 subsection (21) of said section are amended to read:

1647 1002.33 Charter schools.--

1648 (10) ELIGIBLE STUDENTS.--

1649 (e) A charter school may limit the enrollment process only  
1650 to target the following student populations:

1651 1. Students within specific age groups or grade levels.

1652 2. Students considered at risk of dropping out of school  
1653 or academic failure. Such students shall include exceptional  
1654 education students.

1655 3. Students enrolling in a charter school-in-the-workplace  
1656 or charter school-in-a-municipality established pursuant to  
1657 subsection (15) ~~(16)~~.

1658 4. Students residing within a reasonable distance of the  
1659 charter school, as described in paragraph (20)~~(21)~~(c). Such  
1660 students shall be subject to a random lottery and to the  
1661 racial/ethnic balance provisions described in subparagraph  
1662 (7)(a)8. or any federal provisions that require a school to

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1663 achieve a racial/ethnic balance reflective of the community it  
1664 serves or within the racial/ethnic range of other public schools  
1665 in the same school district.

1666 5. Students who meet reasonable academic, artistic, or  
1667 other eligibility standards established by the charter school  
1668 and included in the charter school application and charter or,  
1669 in the case of existing charter schools, standards that are  
1670 consistent with the school's mission and purpose. Such standards  
1671 shall be in accordance with current state law and practice in  
1672 public schools and may not discriminate against otherwise  
1673 qualified individuals.

1674 6. Students articulating from one charter school to  
1675 another pursuant to an articulation agreement between the  
1676 charter schools that has been approved by the sponsor.

1677 ~~(13) NUMBER OF SCHOOLS.—~~

1678 ~~(a) The number of newly created charter schools is limited~~  
1679 ~~to no more than 28 in each school district that has 100,000 or~~  
1680 ~~more students, no more than 20 in each school district that has~~  
1681 ~~50,000 to 99,999 students, and no more than 12 in each school~~  
1682 ~~district with fewer than 50,000 students.~~

1683 ~~(b) An existing public school which converts to a charter~~  
1684 ~~school shall not be counted toward the limit established by~~  
1685 ~~paragraph (a).~~

1686 ~~(c) Notwithstanding any limit established by this~~  
1687 ~~subsection, a district school board or a charter school~~  
1688 ~~applicant shall have the right to request an increase of the~~  
1689 ~~limit on the number of charter schools authorized to be~~  
1690 ~~established within the district from the State Board of~~  
1691 ~~Education.~~

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1692 ~~(d) Whenever a municipality has submitted charter~~  
1693 ~~applications for the establishment of a charter school feeder~~  
1694 ~~pattern (elementary, middle, and senior high schools), and upon~~  
1695 ~~approval of each individual charter application by the district~~  
1696 ~~school board, such applications shall then be designated as one~~  
1697 ~~charter school for all purposes listed pursuant to this section.~~

1698 ~~(20)(21)~~ SERVICES.--

1699 (a) A sponsor shall provide certain administrative and  
1700 educational services to charter schools. These services shall  
1701 include contract management services, full-time equivalent and  
1702 data reporting services, exceptional student education  
1703 administration services, test administration services,  
1704 processing of teacher certificate data services, and information  
1705 services. Any administrative fee charged by the sponsor for the  
1706 provision of services shall be limited to 5 percent of the  
1707 available funds defined in paragraph ~~(17)(18)~~(b).

1708 Section 18. Subsection (6) of section 1002.41, Florida  
1709 Statutes, is amended to read:

1710 1002.41 Home education programs.--

1711 (6) Home education students may participate in dual  
1712 enrollment programs in accordance with the provisions of ss.  
1713 1007.27 ~~(5)(4)~~ and 1007.271(10).

1714 Section 19. Paragraph (i) is added to subsection (1) of  
1715 section 1003.02, Florida Statutes, and subsection (4) of said  
1716 section is amended, to read:

1717 1003.02 District school board operation and control of  
1718 public K-12 education within the school district.--As provided  
1719 in part II of chapter 1001, district school boards are  
1720 constitutionally and statutorily charged with the operation and

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1721 control of public K-12 education within their school district.  
1722 The district school boards must establish, organize, and operate  
1723 their public K-12 schools and educational programs, employees,  
1724 and facilities. Their responsibilities include staff  
1725 development, public K-12 school student education including  
1726 education for exceptional students and students in juvenile  
1727 justice programs, special programs, adult education programs,  
1728 and career and technical education programs. Additionally,  
1729 district school boards must:

1730 (1) Provide for the proper accounting for all students of  
1731 school age, for the attendance and control of students at  
1732 school, and for proper attention to health, safety, and other  
1733 matters relating to the welfare of students in the following  
1734 fields:

1735 (i) Parental notification of acceleration mechanisms.--At  
1736 the beginning of each school year, notify parents of students in  
1737 or entering high school of the opportunity and benefits of  
1738 Advanced Placement, International Baccalaureate, Advanced  
1739 International Certificate of Education, dual enrollment, and  
1740 Florida Virtual School courses.

1741 ~~(4) For any school within the district that is not in~~  
1742 ~~compliance with the small school size requirements of chapter~~  
1743 ~~1013,~~ In order to reduce the anonymity of students in large  
1744 schools, adopt policies that encourage subdivision of the school  
1745 into schools-within-a-school, which shall operate within  
1746 existing resources. A "school-within-a-school" means an  
1747 operational program that uses flexible scheduling, team  
1748 planning, and curricular and instructional innovation to  
1749 organize groups of students with groups of teachers as smaller

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1750 units, so as to functionally operate as a smaller school.

1751 Examples of this include, but are not limited to:

1752 (a) An organizational arrangement assigning both students  
1753 and teachers to smaller units in which the students take some or  
1754 all of their coursework with their fellow grouped students and  
1755 from the teachers assigned to the smaller unit. A unit may be  
1756 grouped together for 1 year or on a vertical, multiyear basis.

1757 (b) An organizational arrangement similar to that  
1758 described in paragraph (a) with additional variations in  
1759 instruction and curriculum. The smaller unit usually seeks to  
1760 maintain a program different from that of the larger school, or  
1761 of other smaller units. It may be vertically organized, but is  
1762 dependent upon the school principal for its existence, budget,  
1763 and staff.

1764 (c) A separate and autonomous smaller unit formally  
1765 authorized by the district school board or district school  
1766 superintendent. The smaller unit plans and runs its own program,  
1767 has its own staff and students, and receives its own separate  
1768 budget. The smaller unit must negotiate the use of common space  
1769 with the larger school and defer to the building principal on  
1770 matters of safety and building operation.

1771 Section 20. Section 1003.429, Florida Statutes, is created  
1772 to read:

1773 1003.429 Accelerated high school graduation options.--

1774 (1) Beginning with the 2003-2004 school year, all students  
1775 scheduled to graduate in 2004 and thereafter shall select one of  
1776 the following three high school graduation options:

1777 (a) Completion of the general requirements for high school  
1778 graduation pursuant to s. 1003.43;

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1779 (b) Completion of a 3-year standard college preparatory  
1780 program requiring successful completion of a minimum of 18  
1781 academic credits in grades 9 through 12. The 18 credits shall  
1782 be primary requirements and shall be distributed as follows:

1783 1. Four credits in English, with major concentration in  
1784 composition and literature;

1785 2. Three credits in mathematics at the Algebra I level or  
1786 higher from the list of courses that qualify for state  
1787 university admission;

1788 3. Three credits in natural science, two of which must  
1789 have a laboratory component;

1790 4. Three credits in social sciences;

1791 5. Two credits in the same second language unless the  
1792 student is a native speaker of or can otherwise demonstrate  
1793 competency in a language other than English. If the student  
1794 demonstrates competency in another language, the student may  
1795 replace the language requirement with two credits in other  
1796 academic courses; and

1797 6. Three credits in electives; or

1798 (c) Completion of a 3-year career preparatory program  
1799 requiring successful completion of a minimum of 18 academic  
1800 credits in grades 9 through 12. The 18 credits shall be primary  
1801 requirements and shall be distributed as follows:

1802 1. Four credits in English, with major concentration in  
1803 composition and literature;

1804 2. Three credits in mathematics, one of which must be  
1805 Algebra I;

1806 3. Three credits in natural science, two of which must  
1807 have a laboratory component;

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- 1808       4. Three credits in social sciences;  
1809       5. Two credits in the same second language unless the  
1810 student is a native speaker of or can otherwise demonstrate  
1811 competency in a language other than English. If the student  
1812 demonstrates competency in another language, the student may  
1813 replace the language requirement with two credits in other  
1814 academic courses; and  
1815       6. Three credits in electives.  
1816       (2) Beginning with the 2003-2004 school year, each  
1817 district school board shall provide each student in grades 6  
1818 through 12 and their parents with the 3-year and 4-year high  
1819 school graduation options listed in subsection (1) with  
1820 curriculum for the students and parents to select the  
1821 postsecondary education or career plan that best fits their  
1822 needs. The options shall include a timeframe for achieving each  
1823 graduation option.  
1824       (3) Selection of one of the graduation options listed in  
1825 subsection (1) is exclusively up to the student and parent. If  
1826 the student and parent fail to select a graduation option, the  
1827 student shall be considered to have selected the general  
1828 requirements for high school graduation pursuant to paragraph  
1829 (1)(a).  
1830       (4) District school boards shall not establish  
1831 requirements for accelerated 3-year high school graduation  
1832 options in excess of the requirements in paragraphs (1)(b) and  
1833 (1)(c).  
1834       (5) Students pursuing accelerated 3-year high school  
1835 graduation options pursuant to paragraph (1)(b) or paragraph  
1836 (1)(c) are required to:

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1837        (a) Earn passing scores on the FCAT as defined in s.  
1838 1008.22(3)(c).

1839        (b) Achieve a cumulative grade point average of 2.0 on a  
1840 4.0 scale, or its equivalent, in the courses required by the  
1841 chosen accelerated 3-year high school graduation option pursuant  
1842 to paragraph (1)(b) or paragraph (1)(c).

1843        (6) A student who meets all requirements prescribed in  
1844 subsections (1) and (5) shall be awarded a standard diploma in a  
1845 form prescribed by the State Board of Education.

1846        Section 21. Paragraph (i) of subsection (1) of section  
1847 1003.43, Florida Statutes, is amended to read:

1848        1003.43 General requirements for high school graduation.--

1849        (1) Graduation requires successful completion of either a  
1850 minimum of 24 academic credits in grades 9 through 12 or an  
1851 International Baccalaureate curriculum. The 24 credits shall be  
1852 distributed as follows:

1853        (i) One-half credit in life management skills to include  
1854 consumer education, positive emotional development, marriage and  
1855 relationship skill-based education, nutrition, parenting skills,  
1856 prevention of human immunodeficiency virus infection and  
1857 acquired immune deficiency syndrome and other sexually  
1858 transmissible diseases, benefits of sexual abstinence and  
1859 consequences of teenage pregnancy, information and instruction  
1860 on breast cancer detection and breast self-examination,  
1861 cardiopulmonary resuscitation, drug education, and the hazards  
1862 of smoking. ~~Such credit shall be given for a course to be taken~~  
1863 ~~by all students in either the 9th or 10th grade.~~

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1864 District school boards may award a maximum of one-half credit in  
1865 social studies and one-half elective credit for student  
1866 completion of nonpaid voluntary community or school service  
1867 work. Students choosing this option must complete a minimum of  
1868 75 hours of service in order to earn the one-half credit in  
1869 either category of instruction. Credit may not be earned for  
1870 service provided as a result of court action. District school  
1871 boards that approve the award of credit for student volunteer  
1872 service shall develop guidelines regarding the award of the  
1873 credit, and school principals are responsible for approving  
1874 specific volunteer activities. A course designated in the Course  
1875 Code Directory as grade 9 through grade 12 that is taken below  
1876 the 9th grade may be used to satisfy high school graduation  
1877 requirements or Florida Academic Scholars award requirements as  
1878 specified in a district school board's student progression plan.  
1879 A student shall be granted credit toward meeting the  
1880 requirements of this subsection for equivalent courses, as  
1881 identified pursuant to s. 1007.271(6), taken through dual  
1882 enrollment.

1883 Section 22. Paragraph (a) of subsection (1) of section  
1884 1003.436, Florida Statutes, is amended to read:

1885 1003.436 Definition of "credit".--

1886 (1)(a) For the purposes of requirements for high school  
1887 graduation, one full credit means a minimum of 120 ~~135~~ hours of  
1888 bona fide instruction in a designated course of study that  
1889 contains student performance standards. A student may be awarded  
1890 a credit for less than 120 hours of classroom instruction based  
1891 on documented mastery of course requirements and Sunshine State  
1892 Standards with approval by the district school board. The State

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1893 Board of Education shall determine the number of postsecondary  
1894 credit hours earned through dual enrollment pursuant to s.  
1895 1007.271 that satisfy the requirements of a district's  
1896 interinstitutional articulation agreement according to s.  
1897 1007.235 and that equal one full credit of the equivalent high  
1898 school course identified pursuant to s. 1007.271(6).

1899 Section 23. Paragraphs (a) and (b) of subsection (1) of  
1900 section 1007.261, Florida Statutes, are amended to read:

1901 1007.261 State universities; admissions of students.--Each  
1902 university board of trustees is authorized to adopt rules  
1903 governing the admission of students, subject to this section and  
1904 rules of the State Board of Education.

1905 (1) Minimum academic standards for undergraduate admission  
1906 to a university include:

1907 (a) Each student must have received a high school diploma  
1908 pursuant to s. 1003.429 or s. 1003.43, or its equivalent, except  
1909 as provided in s. 1007.271(2)-(5) or completed a home education  
1910 program according to s. 1002.41.

1911 (b) Each student must have successfully completed a  
1912 college-preparatory curriculum of 18 ~~19~~ credits, which shall  
1913 include, but not be limited to, four credits in English, with  
1914 major concentration in composition and literature; three credits  
1915 in mathematics; three credits in natural science, two of which  
1916 must have a laboratory component; three credits in social  
1917 sciences; and two credits in the same second language ~~as defined~~  
1918 ~~in rules of the State Board of Education, including at least 2~~  
1919 ~~credits of sequential foreign language at the secondary level or~~  
1920 ~~the equivalent of such instruction at the postsecondary level. A~~  
1921 student who completes a home education program according to s.

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1922 1002.41 is not required to document completion of the 18 ~~19~~  
1923 credits required by this paragraph. A student whose native  
1924 language is not English is exempt from the foreign language  
1925 requirement, provided that the student demonstrates proficiency  
1926 in the native language. If a standardized test is not available  
1927 in the student's native language for the demonstration of  
1928 proficiency, the university may provide an alternative method of  
1929 assessment. The State Board of Education shall adopt rules for  
1930 the articulation of foreign language competency and equivalency  
1931 between secondary and postsecondary institutions. A student who  
1932 received an associate in arts degree prior to September 1, 1989,  
1933 or who enrolled in a program of studies leading to an associate  
1934 degree from a community college prior to August 1, 1989, and  
1935 maintains continuous enrollment shall be exempt from this  
1936 admissions requirement.

1937 Section 24. Section 1007.27, Florida Statutes, is amended  
1938 to read:

1939 1007.27 Articulated acceleration mechanisms.--

1940 (1) It is the intent of the Legislature that a variety of  
1941 articulated acceleration mechanisms be available for secondary  
1942 and postsecondary students attending public educational  
1943 institutions. It is intended that articulated acceleration serve  
1944 to shorten the time necessary for a student to complete the  
1945 requirements associated with the conference of a high school  
1946 diploma and a postsecondary degree, broaden the scope of  
1947 curricular options available to students, or increase the depth  
1948 of study available for a particular subject. It is the intent of  
1949 the Legislature that school districts and public postsecondary  
1950 educational institutions maximize the opportunities for students

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1951 to utilize the acceleration mechanisms identified in this  
1952 section. Articulated acceleration mechanisms shall include, but  
1953 are not be limited to, dual enrollment as provided for in s.  
1954 1007.271, early admission, advanced placement, credit by  
1955 examination, the International Baccalaureate Program, and the  
1956 Advanced International Certificate of Education Program. Credit  
1957 earned through the Florida Virtual School shall provide  
1958 additional opportunities for early graduation and acceleration.

1959 (2) School districts and public postsecondary educational  
1960 institutions shall annually advise students and their parents of  
1961 the opportunities available to students to participate in the  
1962 acceleration mechanisms identified in this section.

1963 (3)-(2) The State Board Department of Education shall  
1964 identify the minimum scores, maximum credit, and course or  
1965 courses for which credit is to be awarded for each College Level  
1966 Examination Program (CLEP) general examination, CLEP subject  
1967 examination, College Board Advanced Placement Program  
1968 examination, ~~and~~ International Baccalaureate examination, and  
1969 Advanced International Certificate of Education examination. In  
1970 addition, the State Board of Education department shall identify  
1971 such courses in the general education core curriculum of each  
1972 state university and community college.

1973 (4)-(3) Each community college and state university must  
1974 award credit for specific courses for which competency has been  
1975 demonstrated by successful passage of one of the examinations in  
1976 subsection (3) ~~(2)~~ unless the award of credit duplicates credit  
1977 already awarded. Community colleges and state universities may  
1978 not exempt students from courses without the award of credit if  
1979 competencies have been so demonstrated.

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1980        (5)~~(4)~~ It is the intent of the Legislature to provide  
1981 articulated acceleration mechanisms for students who are in home  
1982 education programs, as defined in s. 1003.01(11), consistent  
1983 with the educational opportunities available to public and  
1984 private secondary school students. Home education students may  
1985 participate in dual enrollment, career and technical dual  
1986 enrollment, early admission, and credit by examination. Credit  
1987 earned by home education students through dual enrollment shall  
1988 apply toward the completion of a home education program that  
1989 meets the requirements of s. 1002.41.

1990        (6)~~(5)~~ Early admission is ~~shall be~~ a form of dual  
1991 enrollment through which eligible secondary students enroll in a  
1992 postsecondary institution on a full-time basis in courses that  
1993 are creditable toward the high school diploma and the associate  
1994 or baccalaureate degree. Students enrolled pursuant to this  
1995 subsection shall be exempt from the payment of registration,  
1996 tuition, and laboratory fees.

1997        (7)~~(6)~~ Advanced placement is ~~shall be~~ the enrollment of an  
1998 eligible secondary student in a course offered through the  
1999 Advanced Placement Program administered by the College Board.  
2000 Postsecondary credit for an advanced placement course shall be  
2001 limited to students who score a minimum of 3, on a 5-point  
2002 scale, on the corresponding Advanced Placement Examination. The  
2003 specific courses for which students receive such credit shall be  
2004 determined by the State Board of Education ~~department~~. Students  
2005 of Florida public secondary schools enrolled pursuant to this  
2006 subsection shall be exempt from the payment of any fees for  
2007 administration of the examination regardless of whether or not  
2008 the student achieves a passing score on the examination.

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2009            (8)~~(7)~~ Credit by examination is ~~shall be~~ the program  
2010 through which secondary and postsecondary students generate  
2011 postsecondary credit based on the receipt of a specified minimum  
2012 score on nationally standardized general or subject-area  
2013 examinations. For the purpose of statewide application, such  
2014 examinations and the corresponding minimum scores required for  
2015 an award of credit shall be delineated by the State Board of  
2016 Education in the statewide articulation agreement. The maximum  
2017 credit generated by a student pursuant to this subsection shall  
2018 be mitigated by any related postsecondary credit earned by the  
2019 student prior to the administration of the examination. This  
2020 subsection shall not preclude community colleges and  
2021 universities from awarding credit by examination based on  
2022 student performance on examinations developed within and  
2023 recognized by the individual postsecondary institutions.

2024            (9)~~(8)~~ The International Baccalaureate Program is ~~shall be~~  
2025 the curriculum in which eligible secondary students are enrolled  
2026 in a program of studies offered through the International  
2027 Baccalaureate Program administered by the International  
2028 Baccalaureate Office. The State Board of Education shall  
2029 establish rules which specify the cutoff scores and  
2030 International Baccalaureate Examinations which will be used to  
2031 grant postsecondary credit at community colleges and  
2032 universities. Any such rules that, ~~which~~ have the effect of  
2033 raising the required cutoff score or of changing the  
2034 International Baccalaureate Examinations which will be used to  
2035 grant postsecondary credit, shall only apply to students taking  
2036 International Baccalaureate Examinations after such rules are  
2037 adopted by the State Board of Education. Students shall be

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2038 awarded a maximum of 30 semester credit hours pursuant to this  
2039 subsection. The specific course for which a student receives  
2040 such credit shall be determined by the State Board of Education  
2041 ~~department~~. Students enrolled pursuant to this subsection shall  
2042 be exempt from the payment of any fees for administration of the  
2043 examinations regardless of whether or not the student achieves a  
2044 passing score on the examination.

2045 (10)~~(9)~~ The Advanced International Certificate of  
2046 Education Program is ~~shall be~~ the curriculum in which eligible  
2047 secondary students are enrolled in a program of studies offered  
2048 through the ~~Advanced International Certificate of Education~~  
2049 program administered by the University of Cambridge Local  
2050 Examinations Syndicate. The State Board of Education shall  
2051 establish rules which specify the cutoff scores and Advanced  
2052 International Certificate of Education examinations which will  
2053 be used to grant postsecondary credit at community colleges and  
2054 universities. Any such rules that, ~~which~~ have the effect of  
2055 raising the required cutoff score or of changing the Advanced  
2056 International Certification of Education examinations which will  
2057 be used to grant postsecondary credit, shall apply to students  
2058 taking Advanced International Certificate of Education  
2059 Examinations after such rules are adopted by the State Board of  
2060 Education. Students shall be awarded a maximum of 30 semester  
2061 credit hours pursuant to this subsection. The specific course  
2062 for which a student receives such credit shall be determined by  
2063 the State Board of Education ~~community college or university~~  
2064 ~~that accepts the student for admission~~. Students enrolled  
2065 pursuant to this subsection shall be exempt from the payment of  
2066 any fees for administration of the examinations regardless of

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2067 whether or not the student achieves a passing score on the  
2068 examination.

2069 (11)(10) Any student who earns 9 or more credits from one  
2070 or more of the acceleration mechanisms provided for in this  
2071 section is exempt from any requirement of a public postsecondary  
2072 educational institution mandating enrollment during a summer  
2073 term.

2074 (12) The State Board of Education may adopt rules pursuant  
2075 to ss. 120.536(1) and 120.54 to implement the provisions of this  
2076 section.

2077 Section 25. Acceleration mechanisms study.--

2078 (1) The State Board of Education shall conduct a review of  
2079 the extent to which the acceleration mechanisms authorized by s.  
2080 1007.27, Florida Statutes, are currently utilized by school  
2081 districts, community colleges, and state universities and shall  
2082 submit a report to the Governor, the President of the Senate,  
2083 and the Speaker of the House of Representatives by December 31,  
2084 2003.

2085 (2) The report must include a summary of ongoing  
2086 activities and a plan to increase and enhance the use of  
2087 acceleration mechanisms as a way to shorten the length of time  
2088 as well as the funding required for a student to obtain a  
2089 postsecondary degree.

2090 (3) The review and plan shall address at least the  
2091 following issues:

2092 (a) The manner in which students are advised regarding the  
2093 availability of acceleration mechanism options.

2094 (b) The availability of acceleration mechanism options to  
2095 eligible students who wish to participate.

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2096 (c) The grading practices, including weighting of courses,  
2097 of school districts, community colleges, and state universities  
2098 with regard to credit earned through acceleration mechanisms.

2099 (d) The extent to which credit earned through an  
2100 acceleration mechanism is used to meet the general education  
2101 requirements of a public postsecondary educational institution.

2102 (e) The extent to which the secondary instruction  
2103 associated with acceleration mechanism options could be offered  
2104 at sites other than public K-12 school sites to assist in  
2105 meeting class size reduction needs.

2106 (f) The manner in which funding for instruction associated  
2107 with acceleration mechanism options is provided.

2108 (g) The feasibility of providing students the option of  
2109 choosing Advanced Placement credit or College Level Examination  
2110 Program (CLEP) credit as an alternative to dual enrollment  
2111 credit upon completion of a dual enrollment course.

2112 Section 26. Section 1003.62, Florida Statutes, is amended  
2113 to read:

2114 1003.62 Academic performance-based charter school  
2115 districts ~~pilot program.~~--The State Board of Education may ~~is~~  
2116 ~~authorized to~~ enter into a performance contract with ~~up to six~~  
2117 district school boards as authorized in this section for the  
2118 purpose of establishing them as academic performance-based  
2119 charter school districts. ~~The State Board of Education shall~~  
2120 ~~give priority to Hillsborough and Volusia Counties upon the~~  
2121 ~~submission of a completed precharter agreement or charter~~  
2122 ~~proposal for a charter school district.~~ The purpose of this  
2123 section ~~pilot program~~ is to examine a new relationship between  
2124 the State Board of Education and district school boards that

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2125 will ~~may~~ produce significant improvements in student achievement  
2126 ~~and school management~~, while complying with constitutional and  
2127 statutory requirements assigned to each entity.

2128 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

2129 (a) A school district shall be eligible for designation as  
2130 an academic performance-based charter school district if it is a  
2131 high-performing school district in which a minimum of 50 percent  
2132 of the schools earn a performance grade category "A" or "B" and  
2133 in which no school earns a performance grade category "D" or "F"  
2134 for 2 consecutive years pursuant to s. 1008.34. Schools that  
2135 receive a performance grade category "I" or "N" shall not be  
2136 included in this calculation. The performance contract for a  
2137 school district that earns a charter based on school performance  
2138 grades shall be predicated on maintenance of at least 50 percent  
2139 of the schools in the school district earning a performance  
2140 grade category "A" or "B" with no school in the school district  
2141 earning a performance grade category "D" or "F" for 2  
2142 consecutive years. A school district in which the number of  
2143 schools that earn a performance grade of "A" or "B" is less than  
2144 50 percent may have its charter renewed for 1 year; however, if  
2145 the percentage of "A" or "B" schools is less than 50 percent for  
2146 2 consecutive years, the charter shall not be renewed.

2147 (b) A school district that satisfies the eligibility  
2148 criteria for designation as an academic performance-based  
2149 charter school district may be so designated upon a  
2150 supermajority vote by ~~in Florida in which~~ the district school  
2151 board after having ~~has~~ submitted and the State Board of  
2152 Education having ~~has~~ approved a charter proposal that exchanges  
2153 statutory and rule exemption, as authorized by this section, for

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2154 agreement to meet performance goals in the proposal. The  
2155 academic performance-based charter school district shall be  
2156 chartered for 1 year ~~3 years~~, at the end of which the  
2157 performance shall be evaluated. If maintenance of high-  
2158 performing school district status pursuant to paragraph (a) is  
2159 not documented in accordance with State Board of Education  
2160 rule, the charter shall not be renewed.

2161 (2) EXEMPTION FROM STATUTES AND RULES.--

2162 (a) An academic performance-based charter school district  
2163 shall operate in accordance with its charter and shall be exempt  
2164 from certain State Board of Education rules and statutes if the  
2165 State Board of Education determines such an exemption will  
2166 assist the district in maintaining or improving its  
2167 high-performing status pursuant to paragraph (1)(a). However,  
2168 the State Board of Education may not exempt an academic  
2169 performance-based charter school district from any of the  
2170 following statutes:

2171 1. Those statutes pertaining to the provision of services  
2172 to students with disabilities.

2173 2. Those statutes pertaining to civil rights, including s.  
2174 1000.05, relating to discrimination.

2175 3. Those statutes pertaining to student health, safety,  
2176 and welfare.

2177 4. Those statutes governing the election or compensation  
2178 of district school board members.

2179 5. Those statutes pertaining to the student assessment  
2180 program and the school grading system, including chapter 1008.

2181 6. Those statutes pertaining to financial matters,  
2182 including chapter 1010.

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2183 7. Those statutes pertaining to planning and budgeting,  
2184 including chapter 1011, except that ss. 1011.64 and 1011.69  
2185 shall be eligible for exemption.

2186 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
2187 performance-pay policies for school administrators and  
2188 instructional personnel. Professional service contracts shall be  
2189 subject to the provisions of ss. 1012.33 and 1012.34.

2190 9. Those statutes pertaining to educational facilities,  
2191 including chapter 1013, except as specified under contract with  
2192 the State Board of Education. However, no contractual provision  
2193 that could have the effect of requiring the appropriation of  
2194 additional capital outlay funds to the academic performance-  
2195 based charter school district shall be valid.

2196 (b) Additionally, an academic performance-based charter  
2197 school district shall be in compliance with the following  
2198 statutes:

2199 1. Section 286.011, relating to public meetings and  
2200 records, public inspection, and criminal and civil penalties.

2201 2. Those statutes pertaining to public records, including  
2202 chapter 119.

2203 3. Those statutes pertaining to financial disclosure by  
2204 elected officials.

2205 4. Those statutes pertaining to conflicts of interest by  
2206 elected officials. Charter school districts shall be exempt from  
2207 state statutes and specified State Board of Education rules. The  
2208 district school board of a charter school district shall not be  
2209 exempt from any statute governing election of district school  
2210 board members, public meetings and public records requirements,  
2211 financial disclosure, conflicts of interest, operation in the

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2212 ~~sunshine, or any provisions outside the Florida K-20 Education~~  
2213 ~~Code.~~

2214 (3) GOVERNING BOARD.--The governing board of the academic  
2215 performance-based charter school district shall be the duly  
2216 elected district school board. The district school board shall  
2217 be responsible for supervising the schools in the academic  
2218 performance-based charter school district and may convert is  
2219 authorized to charter each of its existing public schools to  
2220 charter schools pursuant to s. 1002.33, ~~apply for deregulation~~  
2221 ~~of its public schools pursuant to s. 1003.63,~~ or otherwise  
2222 establish performance-based contractual relationships with its  
2223 public schools for the purpose of giving them greater autonomy  
2224 with accountability for performance.

2225 (4) PRECHARTER AGREEMENT.--The State Board of Education  
2226 may is authorized to approve a precharter agreement that grants  
2227 ~~with a potential charter district. The agreement may grant~~  
2228 limited flexibility and direction for developing the full  
2229 academic performance-based charter proposal.

2230 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each school  
2231 district chartered pursuant to this section shall transmit an  
2232 annual report to the State Board of Education that delineates  
2233 the performance of the school district relative to the  
2234 performance goals contained in the charter agreement. The annual  
2235 report shall be transmitted to the Commissioner of Education and  
2236 shall be due each year on the anniversary date of the charter  
2237 agreement.

2238 (5) ~~TIME PERIOD FOR PILOT.~~ The pilot program shall be  
2239 ~~authorized for a period of 3 full school years commencing with~~

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2240 ~~award of a charter. The charter may be renewed upon action of~~  
2241 ~~the State Board of Education.~~

2242 (6) REPORTS.--The State Board of Education shall annually  
2243 report on the performance of each academic performance-based  
2244 ~~implementation of the charter school district pilot program.~~  
2245 Biennially ~~Upon the completion of the first 3-year term,~~ the  
2246 State Board of Education, through the Commissioner of Education,  
2247 shall submit to the Legislature a full evaluation of the  
2248 effectiveness of granting academic performance-based charter  
2249 school district status ~~the program.~~

2250 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER  
2251 PROVISION.--The State Board of Education shall use the criteria  
2252 approved in the initial charter applications issued to the  
2253 school districts of Volusia, Hillsborough, Orange, and Palm  
2254 Beach Counties to renew those pilot program charter school  
2255 districts in accordance with this subsection. No additional  
2256 pilot program charter school districts shall be approved, and  
2257 the pilot program consists solely of school districts in  
2258 Volusia, Hillsborough, Orange, and Palm Beach Counties. The  
2259 termination of the charter school districts pilot program is  
2260 effective July 1, 2007, or upon the end of a 5-year renewal  
2261 contract issued by the State Board of Education to the Volusia  
2262 County, Hillsborough County, Orange County, or Palm Beach County  
2263 school district prior to July 1, 2003, whichever is later.

2264 ~~(8)(7)~~ RULEMAKING.--The State Board of Education may adopt  
2265 ~~shall have the authority to enact~~ rules to implement this  
2266 section in accordance with ss. 120.536 and 120.54.

2267 Section 27. Paragraph (b) of subsection (5) of section  
2268 1011.62, Florida Statutes, is amended to read:

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2269 1011.62 Funds for operation of schools.--If the annual  
2270 allocation from the Florida Education Finance Program to each  
2271 district for operation of schools is not determined in the  
2272 annual appropriations act or the substantive bill implementing  
2273 the annual appropriations act, it shall be determined as  
2274 follows:

2275 (5) CATEGORICAL FUNDS.--

2276 (b) ~~For fiscal year 2002-2003,~~ If a district school board  
2277 finds and declares in a resolution adopted at a regular meeting  
2278 of the school board that the funds received for any of the  
2279 following categorical appropriations are urgently needed to  
2280 maintain school board specified academic classroom instruction,  
2281 the school board may consider and approve an amendment to the  
2282 school district operating budget transferring the identified  
2283 amount of the categorical funds to the appropriate account for  
2284 expenditure:

- 2285 1. Funds for student transportation.  
2286 2. Funds for in-service educational personnel training.  
2287 3. Funds for safe schools.  
2288 4. Funds for public school technology.  
2289 ~~5. Funds for teacher recruitment and retention.~~  
2290 5.6. Funds for supplemental academic instruction.  
2291 6. Funds for instructional materials.

2292

2293 Prior to adopting the resolution required by this paragraph, the  
2294 district school board must advertise in a newspaper of general  
2295 circulation in the school district its intent to pass such  
2296 resolution and must provide in such advertisement the purpose  
2297 for which the funds were appropriated, the alternative purpose

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2298 for which the funds will be used, and the basis for finding a  
2299 necessity for the reallocation of such funds. In reporting its  
2300 expenditures under s. 1010.20, with respect to a school  
2301 district's discretionary spending authority exercised under this  
2302 subsection, the district school board shall report on a school-  
2303 by-school basis and a district-aggregated basis how all funds,  
2304 including federal funds, allocated to the school district for  
2305 formula-funded categorical programs were expended.

2306 Section 28. Section 1011.68, Florida Statutes, is amended  
2307 to read:

2308 1011.68 Funds for student transportation.--The annual  
2309 allocation to each district for transportation to public school  
2310 programs, including charter schools as provided in s.  
2311 1002.33 ~~(17)~~(18)(b), of students in membership in kindergarten  
2312 through grade 12 and in migrant and exceptional student programs  
2313 below kindergarten shall be determined as follows:

2314 (1) Subject to the rules of the State Board of Education,  
2315 each district shall determine the membership of students who are  
2316 transported:

2317 (a) By reason of living 2 miles or more from school.

2318 (b) By reason of being students with disabilities or  
2319 enrolled in a teenage parent program, regardless of distance to  
2320 school.

2321 (c) By reason of being in a state prekindergarten program,  
2322 regardless of distance from school.

2323 (d) By reason of being career and technical, dual  
2324 enrollment, or students with disabilities transported from one  
2325 school center to another to participate in an instructional  
2326 program or service; or students with disabilities, transported

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2327 from one designation to another in the state, provided one  
2328 designation is a school center and provided the student's  
2329 individual educational plan (IEP) identifies the need for the  
2330 instructional program or service and transportation to be  
2331 provided by the school district. A "school center" is defined as  
2332 a public school center, community college, state university, or  
2333 other facility rented, leased, or owned and operated by the  
2334 school district or another public agency. A "dual enrollment  
2335 student" is defined as a public school student in membership in  
2336 both a public secondary school program and a community college  
2337 or a state university program under a written agreement to  
2338 partially fulfill ss. 1003.435 and 1007.23 and earning full-time  
2339 equivalent membership under s. 1011.62(1)(i).

2340 (e) With respect to elementary school students whose grade  
2341 level does not exceed grade 6, by reason of being subjected to  
2342 hazardous walking conditions en route to or from school as  
2343 provided in s. 1006.23. Such rules shall, when appropriate,  
2344 provide for the determination of membership under this paragraph  
2345 for less than 1 year to accommodate the needs of students who  
2346 require transportation only until such hazardous conditions are  
2347 corrected.

2348 (f) By reason of being a pregnant student or student  
2349 parent, and the child of a student parent as provided in s.  
2350 1003.54, regardless of distance from school.

2351 (2) The allocation for each district shall be calculated  
2352 annually in accordance with the following formula:

2353

2354  $T = B + EX$ . The elements of this formula are defined as follows:

2355 T is the total dollar allocation for transportation. B is the

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2356 base transportation dollar allocation prorated by an adjusted  
2357 student membership count. The adjusted membership count shall be  
2358 derived from a multiplicative index function in which the base  
2359 student membership is adjusted by multiplying it by index  
2360 numbers that individually account for the impact of the price  
2361 level index, average bus occupancy, and the extent of rural  
2362 population in the district. EX is the base transportation dollar  
2363 allocation for disabled students prorated by an adjusted  
2364 disabled student membership count. The base transportation  
2365 dollar allocation for disabled students is the total state base  
2366 disabled student membership count weighted for increased costs  
2367 associated with transporting disabled students and multiplying  
2368 it by the prior year's average per student cost for  
2369 transportation. The adjusted disabled student membership count  
2370 shall be derived from a multiplicative index function in which  
2371 the weighted base disabled student membership is adjusted by  
2372 multiplying it by index numbers that individually account for  
2373 the impact of the price level index, average bus occupancy, and  
2374 the extent of rural population in the district. Each adjustment  
2375 factor shall be designed to affect the base allocation by no  
2376 more or less than 10 percent.

2377 (3) The total allocation to each district for  
2378 transportation of students shall be the sum of the amounts  
2379 determined in subsection (2). If the funds appropriated for the  
2380 purpose of implementing this section are not sufficient to pay  
2381 the base transportation allocation and the base transportation  
2382 allocation for disabled students, the Department of Education  
2383 shall prorate the available funds on a percentage basis. If the  
2384 funds appropriated for the purpose of implementing this section

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2385 exceed the sum of the base transportation allocation and the  
2386 base transportation allocation for disabled students, the base  
2387 transportation allocation for disabled students shall be limited  
2388 to the amount calculated in subsection (2), and the remaining  
2389 balance shall be added to the base transportation allocation.

2390 (4) No district shall use funds to purchase transportation  
2391 equipment and supplies at prices which exceed those determined  
2392 by the department to be the lowest which can be obtained, as  
2393 prescribed in s. 1006.27(1).

2394 (5) Funds allocated or apportioned for the payment of  
2395 student transportation services may be used to pay for  
2396 transportation of students to and from school on local general  
2397 purpose transportation systems. Student transportation funds may  
2398 also be used to pay for transportation of students to and from  
2399 school in private passenger cars and boats when the  
2400 transportation is for isolated students, or students with  
2401 disabilities as defined by rule. Subject to the rules of the  
2402 State Board of Education, each school district shall determine  
2403 and report the number of assigned students using general purpose  
2404 transportation private passenger cars and boats. The allocation  
2405 per student must be equal to the allocation per student riding a  
2406 school bus.

2407 (6) Notwithstanding other provisions of this section, in  
2408 no case shall any student or students be counted for  
2409 transportation funding more than once per day. This provision  
2410 includes counting students for funding pursuant to trips in  
2411 school buses, passenger cars, or boats or general purpose  
2412 transportation.

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2413 (7) Any funds received by a school district under this  
2414 section that are not required to transport students may, at the  
2415 discretion of the district school board, be transferred to the  
2416 district's Florida Education Finance Program.

2417 Section 29. Subsections (2), (4), and (5) of section  
2418 1011.69, Florida Statutes, are amended to read:

2419 1011.69 Equity in School-Level Funding Act.--

2420 ~~(2)(a) Beginning in the 2000-2001 fiscal year, district~~  
2421 ~~school boards shall allocate to each school within the district~~  
2422 ~~at least 50 percent of the funds generated by that school based~~  
2423 ~~upon the Florida Education Finance Program as provided in s.~~  
2424 ~~1011.62 and the General Appropriations Act, including gross~~  
2425 ~~state and local funds, discretionary lottery funds, and funds~~  
2426 ~~from the school district's current operating discretionary~~  
2427 ~~millage levy.~~

2428 ~~(b) Beginning in the 2001-2002 fiscal year, district~~  
2429 ~~school boards shall allocate to each school within the district~~  
2430 ~~at least 65 percent of the funds generated by that school based~~  
2431 ~~upon the Florida Education Finance Program as provided in s.~~  
2432 ~~1011.62 and the General Appropriations Act, including gross~~  
2433 ~~state and local funds, discretionary lottery funds, and funds~~  
2434 ~~from the school district's current operating discretionary~~  
2435 ~~millage levy.~~

2436 ~~(c) Beginning in the 2002-2003 fiscal year, district~~  
2437 ~~school boards shall allocate to each school within the district~~  
2438 ~~at least 80 percent of the funds generated by that school based~~  
2439 ~~upon the Florida Education Finance Program as provided in s.~~  
2440 ~~1011.62 and the General Appropriations Act, including gross~~  
2441 ~~state and local funds, discretionary lottery funds, and funds~~

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2442 ~~from the school district's current operating discretionary~~  
2443 ~~millage levy.~~

2444 (d) Beginning in the 2003-2004 fiscal year, district  
2445 school boards shall allocate to schools ~~each school~~ within the  
2446 district an average of at least 90 percent of the funds  
2447 generated by all schools and guarantee that each school receives  
2448 at least 80 percent of the funds generated by that school based  
2449 upon the Florida Education Finance Program as provided in s.  
2450 1011.62 and the General Appropriations Act, including gross  
2451 state and local funds, discretionary lottery funds, and funds  
2452 from the school district's current operating discretionary  
2453 millage levy. Total funding for each school shall be  
2454 recalculated during the year to reflect the revised calculations  
2455 under the Florida Education Finance Program by the state and the  
2456 actual weighted full-time equivalent students reported by the  
2457 school during the full-time equivalent student survey periods  
2458 designated by the Commissioner of Education. If the district  
2459 school board is providing programs or services to students  
2460 funded by federal funds, any eligible students enrolled in the  
2461 schools in the district shall be provided federal funds. Only  
2462 academic performance-based charter school ~~these districts that~~  
2463 ~~initially applied for charter school district status, pursuant~~  
2464 ~~to s. 1003.62, and have been approved by the State Board of~~  
2465 ~~Education~~ are exempt from the provisions of this section.

2466 (4) The following funds are excluded from the school-level  
2467 allocation under this section: ~~Recommendations made by the~~  
2468 ~~Governor's Equity in Educational Opportunity Task Force shall be~~  
2469 ~~reviewed to identify potential categorical funds to be included~~

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2470 ~~in the district allocation methodology required in subsection~~  
2471 ~~(2).~~

2472 (a)(5) Funds appropriated in the General Appropriations  
2473 Act for supplemental academic instruction to be used for the  
2474 purposes described in s. 1011.62(1)(f) ~~are excluded from the~~  
2475 ~~school-level allocation under this section.~~

2476 (b) Funds appropriated in the General Appropriations Act  
2477 for the class size reduction operating categorical fund  
2478 established in s. 1011.685.

2479 Section 30. Subsections (1) through (6) of section  
2480 1012.56, Florida Statutes, are amended to read:

2481 1012.56 Educator certification requirements.--

2482 (1) APPLICATION.--Each person seeking certification  
2483 pursuant to this chapter shall submit a completed application  
2484 containing the applicant's social security number to the  
2485 Department of Education and remit the fee required pursuant to  
2486 s. 1012.59 and rules of the State Board of Education. Pursuant  
2487 to the federal Personal Responsibility and Work Opportunity  
2488 Reconciliation Act of 1996, each party is required to provide  
2489 his or her social security number in accordance with this  
2490 section. Disclosure of social security numbers obtained through  
2491 this requirement is ~~shall be~~ limited to the purpose of  
2492 administration of the Title IV-D program of the Social Security  
2493 Act for child support enforcement. Pursuant to s. 120.60, the  
2494 department shall issue within 90 calendar days after the stamped  
2495 receipted date of the completed application:

2496 (a) A certificate covering the classification, level, and  
2497 area for which the applicant is deemed qualified; or

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2498 (b) An official statement of status of eligibility. The  
2499 statement of status of eligibility must advise the applicant of  
2500 any qualifications that must be completed to qualify for  
2501 certification. Each statement of status of eligibility is valid  
2502 for 3 ~~2~~ years after its date of issuance, except as provided in  
2503 paragraph (2)(d). ~~A statement of status of eligibility may be~~  
2504 ~~reissued for one additional 2-year period if application is made~~  
2505 ~~while the initial statement of status of eligibility is valid or~~  
2506 ~~within 1 year after the initial statement expires, and if the~~  
2507 ~~certification subject area is authorized to be issued by the~~  
2508 ~~state board at the time the application requesting a reissued~~  
2509 ~~statement of status of eligibility is received.~~

2510 (2) ELIGIBILITY CRITERIA.--To be eligible to seek  
2511 certification ~~pursuant to this chapter~~, a person must:

2512 (a) Be at least 18 years of age.

2513 (b) File a written statement, under oath, that the  
2514 applicant subscribes to and will uphold the principles  
2515 incorporated in the Constitution of the United States and the  
2516 Constitution of the State of Florida.

2517 (c) Document receipt of a bachelor's or higher degree from  
2518 an accredited institution of higher learning, or any a  
2519 ~~nonaccredited~~ institution of higher learning otherwise approved  
2520 pursuant to State Board of Education rule ~~that the Department of~~  
2521 ~~Education has identified as having a quality program resulting~~  
2522 ~~in a bachelor's degree, or higher~~. Each applicant seeking  
2523 initial certification must have attained at least a 2.5 overall  
2524 grade point average on a 4.0 scale in the applicant's major  
2525 field of study. The applicant may document the required  
2526 education by submitting official transcripts from institutions

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2527 of higher education or by authorizing the direct submission of  
2528 such official transcripts through established electronic network  
2529 systems. The bachelor's or higher degree may not be required in  
2530 areas approved in rule by the State Board of Education as  
2531 nondegreed areas.

2532 (d) Submit to a fingerprint check from the Department of  
2533 Law Enforcement and the Federal Bureau of Investigation pursuant  
2534 to s. 1012.32. If the fingerprint reports indicate a criminal  
2535 history or if the applicant acknowledges a criminal history, the  
2536 applicant's records shall be referred to the Bureau of Educator  
2537 Standards for review and determination of eligibility for  
2538 certification. If the applicant fails to provide the necessary  
2539 documentation requested by the Bureau of Educator Standards  
2540 within 90 days after the date of the receipt of the certified  
2541 mail request, the statement of eligibility and pending  
2542 application shall become invalid.

2543 (e) Be of good moral character.

2544 (f) Be competent and capable of performing the duties,  
2545 functions, and responsibilities of an educator.

2546 (g) Demonstrate mastery of general knowledge, pursuant to  
2547 subsection (3).

2548 (h) Demonstrate mastery of subject area knowledge,  
2549 pursuant to subsection (4).

2550 (i) Demonstrate mastery of professional preparation and  
2551 education competence, pursuant to subsection (5).

2552 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of  
2553 demonstrating mastery of general knowledge are:

2554 (a) Achievement of passing scores on basic skills  
2555 examination required by state board rule;

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2556 (b) Achievement of passing scores on the College Level  
2557 Academic Skills Test earned prior to July 1, 2002;

2558 (c) A valid professional standard teaching certificate  
2559 issued by another state ~~that requires an examination of mastery~~  
2560 ~~of general knowledge;~~

2561 (d) A ~~valid standard teaching certificate issued by~~  
2562 ~~another state and~~ valid certificate issued by the National Board  
2563 for Professional Teaching Standards or other such nationally  
2564 recognized organization as determined by the State Board of  
2565 Education; ~~or~~

2566 (e) Documentation of two semesters of successful teaching  
2567 in a community college, state university, or private college or  
2568 university that awards an associate or higher degree and is an  
2569 accredited institution or an institution of higher education  
2570 otherwise approved pursuant to State Board of Education rule; or

2571 (f)~~(e)~~ A valid ~~standard~~ teaching certificate issued by  
2572 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~  
2573 successful ~~full-time~~ teaching ~~or administrative~~ experience  
2574 during the ~~5-year period immediately preceding the date of~~  
2575 ~~application for certification.~~

2576 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
2577 of demonstrating mastery of subject area knowledge are:

2578 (a) Achievement of passing scores on subject area  
2579 examinations required by state board rule;

2580 (b) Completion of the subject area specialization  
2581 requirements specified in state board rule and verification of  
2582 the attainment of the essential subject matter competencies by  
2583 the district school superintendent of the employing school  
2584 district or chief administrative officer of the employing state-

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2585 supported or private school for a subject area for which a  
2586 subject area examination has not been developed and required by  
2587 state board rule;

2588 (c) Completion of the ~~graduate level~~ subject area  
2589 specialization requirements specified in state board rule for a  
2590 subject coverage requiring a master's or higher degree and  
2591 achievement of a passing score on the subject area examination  
2592 specified in state board rule;

2593 (d) A valid professional standard teaching certificate  
2594 issued by another state ~~that requires an examination of mastery~~  
2595 ~~of subject area knowledge~~;

2596 (e) A ~~valid standard teaching certificate issued by~~  
2597 ~~another state and~~ valid certificate issued by the National Board  
2598 for Professional Teaching Standards or other such nationally  
2599 recognized organization as determined by the State Board of  
2600 Education; or

2601 (f) A valid ~~standard~~ teaching certificate issued by  
2602 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~  
2603 successful ~~full-time~~ teaching ~~or administrative~~ experience  
2604 during the ~~5-year period immediately preceding the date of~~  
2605 ~~application for certification~~.

2606 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
2607 COMPETENCE.--Acceptable means of demonstrating mastery of  
2608 professional preparation and education competence are:

2609 (a) Completion of an approved teacher preparation program  
2610 at a postsecondary educational institution within this state and  
2611 achievement of a passing score on the professional education  
2612 competency examination required by state board rule;

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2613 (b) Completion of a teacher preparation program offered by  
2614 ~~at~~ a postsecondary educational institution outside Florida and  
2615 achievement of a passing score on the professional education  
2616 competency examination required by state board rule;

2617 (c) A valid professional standard teaching certificate  
2618 issued by another state ~~that requires an examination of mastery~~  
2619 ~~of professional education competence;~~

2620 (d) A ~~valid standard teaching certificate issued by~~  
2621 ~~another state and~~ valid certificate issued by the National Board  
2622 for Professional Teaching Standards or other such nationally  
2623 recognized organization as determined by the State Board of  
2624 Education;

2625 (e) A valid ~~standard~~ teaching certificate issued by  
2626 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~  
2627 successful ~~full-time~~ teaching ~~or administrative~~ experience  
2628 ~~during the 5-year period immediately preceding the date of~~  
2629 ~~application for certification;~~

2630 (f) Completion of professional preparation courses as  
2631 specified in state board rule, successful completion of a  
2632 professional education competence demonstration program pursuant  
2633 to paragraph (7)(b), and achievement of a passing score on the  
2634 professional education competency examination required by state  
2635 board rule; or

2636 (g) Successful completion of a professional preparation  
2637 alternative certification and education competency program,  
2638 outlined in paragraph (7)(a).

2639

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2640 State Board of Education rule governing mastery of professional  
2641 preparation and education competence shall be revised as  
2642 necessary in accordance with s. 1004.04(2).

2643 (6) TYPES AND TERMS OF CERTIFICATION.--

2644 (a) The Department of Education shall issue a professional  
2645 certificate for a period not to exceed 5 years to any applicant  
2646 who meets all the requirements outlined in subsection (2).

2647 (b) The department shall issue a temporary certificate to  
2648 any applicant who completes the requirements outlined in  
2649 paragraphs (2)(a)-(f) and completes the subject area content  
2650 requirements specified in state board rule or demonstrates  
2651 mastery of subject area knowledge pursuant to subsection (4) and  
2652 holds an accredited degree or a degree approved by the  
2653 Department of Education at the level required for the subject  
2654 area specialization in state board rule.

2655 (c) The department shall issue one nonrenewable 2-year  
2656 temporary certificate and one nonrenewable 5-year professional  
2657 certificate to a qualified applicant who holds a bachelor's  
2658 degree in the area of speech-language impairment to allow for  
2659 completion of a master's degree program in speech-language  
2660 impairment.

2661  
2662 Each temporary certificate is valid for 3 school fiscal years  
2663 and is nonrenewable. ~~However, the requirement in paragraph~~  
2664 ~~(2)(g) must be met within 1 calendar year of the date of~~  
2665 ~~employment under the temporary certificate. Individuals who are~~  
2666 ~~employed under contract at the end of the 1 calendar year time~~  
2667 ~~period may continue to be employed through the end of the school~~  
2668 ~~year in which they have been contracted. A school district shall~~

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2669 ~~not employ, or continue the employment of, an individual in a~~  
2670 ~~position for which a temporary certificate is required beyond~~  
2671 ~~this time period if the individual has not met the requirement~~  
2672 ~~of paragraph (2)(g).~~ However, the State Board of Education shall  
2673 adopt rules to allow the department to extend the validity  
2674 period of a temporary certificate for 2 years when the  
2675 requirements for the professional certificate, ~~not including the~~  
2676 ~~requirement in paragraph (2)(g),~~ were not completed due to the  
2677 serious illness or injury of the applicant or other  
2678 extraordinary extenuating circumstances. Based on emergency  
2679 need, the department shall reissue the temporary certificate for  
2680 2 additional years upon approval by the Commissioner of  
2681 Education. A written request for such reissuance must first ~~of~~  
2682 ~~the certificate shall~~ be submitted, stating the basis for the  
2683 emergency need, by the district school superintendent, the  
2684 governing authority of a university lab school, the governing  
2685 authority of a state-supported school, or the governing  
2686 authority of a private school. However, the Commissioner of  
2687 Education may provide to any applicant who, by June 30, 2003,  
2688 has demonstrated mastery of general knowledge, subject area  
2689 knowledge, and professional preparation and education  
2690 competence, pursuant to subsections (3), (4), and (5), except  
2691 for achievement of a passing score on one subtest area of the  
2692 general knowledge examination, a one-time only extension of his  
2693 or her temporary certificate until June 30, 2004.

2694 Section 31. Subsection (1) of section 1012.57, Florida  
2695 Statutes, is amended to read:

2696 1012.57 Certification of adjunct educators.--

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2697 (1) Notwithstanding the provisions of ss. 1012.32,  
2698 1012.55, and 1012.56, or any other provision of law or rule to  
2699 the contrary, district school boards shall adopt rules to allow  
2700 for the issuance of ~~may issue~~ an adjunct teaching certificate to  
2701 any applicant who fulfills the requirements of s. 1012.56(2)(a)-  
2702 (f) and who has expertise in the subject area to be taught. An  
2703 applicant shall be considered to have expertise in the subject  
2704 area to be taught if the applicant ~~has at least a minor in the~~  
2705 ~~subject area or~~ demonstrates sufficient subject area mastery  
2706 through passage of a subject area test as determined by district  
2707 ~~school board policy~~. The adjunct teaching certificate shall be  
2708 used for part-time teaching positions. The intent of this  
2709 provision is to allow school districts to tap the wealth of  
2710 talent and expertise represented in Florida's citizens who may  
2711 wish to teach part-time in a Florida public school by permitting  
2712 school districts to issue adjunct certificates to qualified  
2713 applicants. Adjunct certificateholders should be used as a  
2714 strategy to reduce the teacher shortage; thus, adjunct  
2715 certificateholders should supplement a school's instructional  
2716 staff, not supplant it. Each school principal shall assign an  
2717 experienced peer mentor to assist the adjunct teaching  
2718 certificateholder during the certificateholder's first year of  
2719 teaching, and an adjunct certificateholder may participate in a  
2720 district's new teacher training program. District school boards  
2721 shall provide the adjunct teaching certificateholder an  
2722 orientation in classroom management prior to assigning the  
2723 certificateholder to a school. Each adjunct teaching certificate  
2724 is valid for 5 school years and is renewable if:-

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2725       ~~(a) The applicant completes a minimum of 60 inservice~~  
2726 ~~points or 3 semester hours of college credit. The earned credits~~  
2727 ~~must include instruction in classroom management, district~~  
2728 ~~school board procedures, school culture, and other activities~~  
2729 ~~that enhance the professional teaching skills of the~~  
2730 ~~certificateholder.~~

2731       ~~(b) the applicant has received satisfactory performance~~  
2732 ~~evaluations during each year of teaching under adjunct teaching~~  
2733 ~~certification.~~

2734       Section 32. Subsection (13) is added to section 1013.03,  
2735 Florida Statutes, to read:

2736       1013.03 Functions of the department.--The functions of the  
2737 Department of Education as it pertains to educational facilities  
2738 shall include, but not be limited to, the following:

2739       (13) By October 1, 2003, review all rules related to  
2740 school construction to identify requirements that are outdated,  
2741 obsolete, unnecessary, or otherwise could be amended in order to  
2742 provide additional flexibility to school districts to comply  
2743 with the constitutional class size maximums described in s.  
2744 1003.03(2) and make recommendations concerning such rules to the  
2745 State Board of Education. The State Board of Education shall act  
2746 on such recommendations by December 31, 2003.

2747       Section 33. Paragraph (d) is added to subsection (1) of  
2748 section 1013.31, Florida Statutes, to read:

2749       1013.31 Educational plant survey; localized need  
2750 assessment; PECO project funding.--

2751       (1) At least every 5 years, each board shall arrange for  
2752 an educational plant survey, to aid in formulating plans for  
2753 housing the educational program and student population, faculty,

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2754 administrators, staff, and auxiliary and ancillary services of  
2755 the district or campus, including consideration of the local  
2756 comprehensive plan. The Office of Workforce and Economic  
2757 Development shall document the need for additional career and  
2758 adult education programs and the continuation of existing  
2759 programs before facility construction or renovation related to  
2760 career or adult education may be included in the educational  
2761 plant survey of a school district or community college that  
2762 delivers career or adult education programs. Information used by  
2763 the Office of Workforce and Economic Development to establish  
2764 facility needs must include, but need not be limited to, labor  
2765 market data, needs analysis, and information submitted by the  
2766 school district or community college.

2767 (d) Periodic update of Florida Inventory of School  
2768 Houses.--School districts shall periodically update their  
2769 inventory of educational facilities as new capacity becomes  
2770 available and as unsatisfactory space is eliminated. The State  
2771 Board of Education shall adopt rules to determine the timeframe  
2772 in which school districts must provide a periodic update.

2773 Section 34. Paragraph (b) of subsection (1) and  
2774 subsections (2) and (3) of section 1002.37, Florida Statutes,  
2775 are amended, subsections (4), (5), and (6) are renumbered as  
2776 subsections (5), (6), and (7), respectively, and a new  
2777 subsection (4) is added to said section, to read:

2778 1002.37 The Florida Virtual School.--

2779 (1)

2780 (b) The mission of the Florida Virtual School is to  
2781 provide students with technology-based educational opportunities  
2782 to gain the knowledge and skills necessary to succeed and to

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2783 award high school diplomas pursuant to s. 1003.43(9). The school  
2784 shall serve any student in the state who meets the profile for  
2785 success in this educational delivery context and shall give  
2786 priority to:

2787 1. Students enrolled in traditional public school classes  
2788 that are not in compliance with the maximum class sizes provided  
2789 in s. 1000.03.

2790 2. Students enrolled as full-time students in the Florida  
2791 Virtual School and seeking a high school diploma awarded by the  
2792 Florida Virtual School.

2793 ~~3.1.~~ Students who need expanded access to courses in order  
2794 to meet their educational goals, such as home education students  
2795 and students in ~~inner-city and rural~~ and other public high  
2796 schools who do not have access to higher-level courses.

2797 ~~4.2.~~ Students seeking accelerated access in order to  
2798 obtain a high school diploma at least one semester early.

2799

2800 The board of trustees of the Florida Virtual School shall  
2801 identify appropriate performance measures and standards based on  
2802 student achievement that reflect the school's statutory mission  
2803 and priorities, and shall implement an accountability system for  
2804 the school that includes assessment of its effectiveness and  
2805 efficiency in providing quality services that encourage high  
2806 student achievement, seamless articulation, and maximum access.

2807 (2) The Florida Virtual School shall be governed by a  
2808 board of trustees comprised of seven members appointed by the  
2809 Governor to 4-year staggered terms. The board of trustees shall  
2810 be a public agency entitled to sovereign immunity pursuant to s.  
2811 768.28, and board members shall be public officers who shall

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2812 bear fiduciary responsibility for the Florida Virtual School.  
2813 The board of trustees shall have the following powers and  
2814 duties:

2815 (a)1. The board of trustees shall meet at least 4 times  
2816 each year, upon the call of the chair, or at the request of a  
2817 majority of the membership.

2818 2. The fiscal year for the Florida Virtual School shall be  
2819 the state fiscal year as provided in s. 216.011(1)(o).

2820 (b) The board of trustees shall be responsible for the  
2821 Florida Virtual School's development of a state-of-the-art  
2822 technology-based education delivery system that is cost-  
2823 effective, educationally sound, marketable, and capable of  
2824 sustaining a self-sufficient delivery system through the Florida  
2825 Education Finance Program, ~~by fiscal year 2003-2004. The school~~  
2826 ~~shall collect and report data for all students served and credit~~  
2827 ~~awarded. This data shall be segregated by private, public, and~~  
2828 ~~home education students by program. Information shall also be~~  
2829 ~~collected that reflects any other school in which a virtual~~  
2830 ~~school student is enrolled.~~

2831 (c) The board of trustees shall aggressively seek avenues  
2832 to generate revenue to support its future endeavors, and shall  
2833 enter into agreements with distance learning providers. The  
2834 board of trustees may acquire, enjoy, use, and dispose of  
2835 patents, copyrights, and trademarks and any licenses and other  
2836 rights or interests thereunder or therein. Ownership of all such  
2837 patents, copyrights, trademarks, licenses, and rights or  
2838 interests thereunder or therein shall vest in the state, with  
2839 the board of trustees having full right of use and full right to  
2840 retain the revenues derived therefrom. Any funds realized from

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2841 patents, copyrights, trademarks, or licenses shall be considered  
2842 internal funds as provided in s. 1011.07. Such funds shall be  
2843 used to support the school's marketing and research and  
2844 development activities in order to improve courseware and  
2845 services to its students.

2846 (d) The board of trustees shall be responsible for the  
2847 administration and control of all local school funds derived  
2848 from all activities or sources and shall prescribe the  
2849 principles and procedures to be followed in administering these  
2850 funds annually prepare and submit to the State Board of  
2851 Education a legislative budget request, including funding  
2852 requests for computers for public school students who do not  
2853 have access to public school computers, in accordance with  
2854 chapter 216 and s. 1013.60. The legislative budget request of  
2855 the Florida Virtual School shall be prepared using the same  
2856 format, procedures, and timelines required for the submission of  
2857 the legislative budget of the Department of Education. Nothing  
2858 in this section shall be construed to guarantee a computer to  
2859 any individual student.

2860 (e) The Florida Virtual School may accrue supplemental  
2861 revenue from supplemental support organizations, which include,  
2862 but are not limited to, alumni associations, foundations,  
2863 parent-teacher associations, and booster associations. The  
2864 governing body of each supplemental support organization shall  
2865 recommend the expenditure of moneys collected by the  
2866 organization for the benefit of the school. Such expenditures  
2867 shall be contingent upon the review of the executive director.  
2868 The executive director may override any proposed expenditure of

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2869 the organization that would violate Florida law or breach sound  
2870 educational management.

2871 ~~(f)(e)~~ In accordance with law and rules of the State Board  
2872 of Education, the board of trustees shall administer and  
2873 maintain personnel programs for all employees of the board of  
2874 trustees and the Florida Virtual School. The board of trustees  
2875 may adopt rules, policies, and procedures related to the  
2876 appointment, employment, and removal of personnel.

2877 1. The board of trustees shall determine the compensation,  
2878 including salaries and fringe benefits, and other conditions of  
2879 employment for such personnel.

2880 2. The board of trustees may establish and maintain a  
2881 personnel loan or exchange program by which persons employed by  
2882 the board of trustees for the Florida Virtual School as academic  
2883 administrative and instructional staff may be loaned to, or  
2884 exchanged with persons employed in like capacities by, public  
2885 agencies either within or without this state, or by private  
2886 industry. With respect to public agency employees, the program  
2887 authorized by this subparagraph shall be consistent with the  
2888 requirements of part II of chapter 112. The salary and benefits  
2889 of board of trustees personnel participating in the loan or  
2890 exchange program shall be continued during the period of time  
2891 they participate in a loan or exchange program, and such  
2892 personnel shall be deemed to have no break in creditable or  
2893 continuous service or employment during such time. The salary  
2894 and benefits of persons participating in the personnel loan or  
2895 exchange program who are employed by public agencies or private  
2896 industry shall be paid by the originating employers of those  
2897 participants, and such personnel shall be deemed to have no

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2898 break in creditable or continuous service or employment during  
2899 such time.

2900 3. The employment of all Florida Virtual School academic  
2901 administrative and instructional personnel shall be subject to  
2902 rejection for cause by the board of trustees, and shall be  
2903 subject to policies of the board of trustees relative to  
2904 certification, tenure, leaves of absence, sabbaticals,  
2905 remuneration, and such other conditions of employment as the  
2906 board of trustees deems necessary and proper, not inconsistent  
2907 with law.

2908 4. Each person employed by the board of trustees in an  
2909 academic administrative or instructional capacity with the  
2910 Florida Virtual School shall be entitled to a contract as  
2911 provided by rules of the board of trustees.

2912 5. All employees except temporary, seasonal, and student  
2913 employees may be state employees for the purpose of being  
2914 eligible to participate in the Florida Retirement System and  
2915 receive benefits. The classification and pay plan, including  
2916 terminal leave and other benefits, and any amendments thereto,  
2917 shall be subject to review and approval by the Department of  
2918 Management Services and the Executive Office of the Governor  
2919 prior to adoption. ~~In the event that the board of trustees~~  
2920 ~~assumes responsibility for governance pursuant to this section~~  
2921 ~~before approval is obtained, employees shall be compensated~~  
2922 ~~pursuant to the system in effect for the employees of the fiscal~~  
2923 ~~agent.~~

2924 (g)(f) The board of trustees shall establish priorities  
2925 for admission of students in accordance with paragraph (1)(b).

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2926        ~~(h)(g)~~ The board of trustees shall establish and  
2927 distribute to all school districts and high schools in the state  
2928 procedures for enrollment of students in courses offered by the  
2929 Florida Virtual School. ~~Such procedures shall be designed to~~  
2930 ~~minimize paperwork and fairly resolve the issue of double~~  
2931 ~~funding students taking courses on-line.~~

2932        (i) The board of trustees shall establish criteria  
2933 defining the elements of an approved franchise. The board of  
2934 trustees may enter into franchise agreements with Florida  
2935 district school boards and may establish the terms and  
2936 conditions governing such agreements. The board of trustees  
2937 shall establish the performance and accountability measures and  
2938 report the performance of each school district franchise to the  
2939 Commissioner of Education.

2940        ~~(j)(h)~~ The board of trustees shall ~~annually~~ submit to the  
2941 State Board of Education both forecasted and actual enrollments  
2942 and credit completions for the Florida Virtual School, according  
2943 to procedures established by the State Board of Education. At a  
2944 minimum, such procedures must include the number of public,  
2945 private, and home education students served by program and by  
2946 county of residence district.

2947        ~~(k)(i)~~ The board of trustees shall provide for the content  
2948 and custody of student and employee personnel records. Student  
2949 records shall be subject to the provisions of s. 1002.22.  
2950 Employee records shall be subject to the provisions of s.  
2951 1012.31.

2952        ~~(l)(j)~~ The financial records and accounts of the Florida  
2953 Virtual School shall be maintained under the direction of the  
2954 board of trustees and under rules adopted by the State Board of

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2955 Education for the uniform system of financial records and  
2956 accounts for the schools of the state.

2957

2958 The Governor shall designate the initial chair of the board of  
2959 trustees to serve a term of 4 years. Members of the board of  
2960 trustees shall serve without compensation, but may be reimbursed  
2961 for per diem and travel expenses pursuant to s. 112.061. The  
2962 board of trustees shall be a body corporate with all the powers  
2963 of a body corporate and such authority as is needed for the  
2964 proper operation and improvement of the Florida Virtual School.  
2965 The board of trustees is specifically authorized to adopt rules,  
2966 policies, and procedures, consistent with law and rules of the  
2967 State Board of Education related to governance, personnel,  
2968 budget and finance, administration, programs, curriculum and  
2969 instruction, travel and purchasing, technology, students,  
2970 contracts and grants, and property as necessary for optimal,  
2971 efficient operation of the Florida Virtual School. Tangible  
2972 personal property owned by the board of trustees shall be  
2973 subject to the provisions of chapter 273.

2974 (3) Funding for the Florida Virtual School shall be  
2975 provided as follows:

2976 (a) A "full-time equivalent student" for the Florida  
2977 Virtual School is one student who has successfully completed six  
2978 credits that shall count toward the minimum number of credits  
2979 required for high school graduation. A student who completes  
2980 less than six credits shall be a fraction of a full-time  
2981 equivalent student. Half-credit completions shall be included in  
2982 determining a full-time equivalent student. Credit completed by



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2983 a student in excess of the minimum required for that student for  
2984 high school graduation is not eligible for funding.

2985 (b) Full-time equivalent student credits completed through  
2986 the Florida Virtual School, including credits completed during  
2987 the summer, shall be reported to the Department of Education in  
2988 the manner prescribed by the department and shall be funded  
2989 through the Florida Education Finance Program.

2990 (c) School districts may not limit student access to  
2991 courses offered through the Florida Virtual School.

2992 (d) Full-time equivalent student credit completion for  
2993 courses offered through the Florida Virtual School shall be  
2994 reported only by the Florida Virtual School. School districts  
2995 shall report full-time equivalent student membership only for  
2996 courses for which the school district provides the instruction.

2997 (e) The district cost differential as provided in s.  
2998 1011.62(2) shall be established as 1.000.

2999 (f) The Florida Virtual School shall receive funds for  
3000 operating purposes in an amount determined as follows: multiply  
3001 the maximum allowable nonvoted discretionary millage for  
3002 operations pursuant to s. 1011.71(1) by the value of 95 percent  
3003 of the current year's taxable value for school purposes for the  
3004 state; divide the result by the total full-time equivalent  
3005 membership of the state; and multiply the result by the full-  
3006 time equivalent membership of the school. The amount thus  
3007 obtained shall be discretionary operating funds and shall be  
3008 appropriated from state funds in the General Appropriations Act.

3009 (g) The Florida Virtual School shall receive additional  
3010 state funds as may be provided in the General Appropriations  
3011 Act.

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3012 (h) In addition to the funds provided in the General  
3013 Appropriations Act, the Florida Virtual School may receive other  
3014 funds from grants and donations.

3015 ~~(a) Until fiscal year 2003-2004, the Commissioner of~~  
3016 ~~Education shall include the Florida Virtual School as a grant-~~  
3017 ~~in-aid appropriation in the department's legislative budget~~  
3018 ~~request to the State Board of Education, the Governor, and the~~  
3019 ~~Legislature, subject to any guidelines imposed in the General~~  
3020 ~~Appropriations Act.~~

3021 ~~(b) The Orange County District School Board shall be the~~  
3022 ~~temporary fiscal agent of the Florida Virtual School.~~

3023 (4) School districts operating a virtual school that is an  
3024 approved franchise of the Florida Virtual School may count full-  
3025 time equivalent students, as provided in paragraph (3)(a), if  
3026 such school has been certified as an approved franchise by the  
3027 Commissioner of Education based on criteria established by the  
3028 board of trustees pursuant to paragraph (2)(i).

3029 Section 35. Paragraph (c) of subsection (1) of section  
3030 1011.61, Florida Statutes, is amended to read:

3031 1011.61 Definitions.--Notwithstanding the provisions of s.  
3032 1000.21, the following terms are defined as follows for the  
3033 purposes of the Florida Education Finance Program:

3034 (1) A "full-time equivalent student" in each program of  
3035 the district is defined in terms of full-time students and part-  
3036 time students as follows:

3037 (c)1. A "full-time equivalent student" is:

3038 a. A full-time student in any one of the programs listed  
3039 in s. 1011.62(1)(c); or

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3040           b. A combination of full-time or part-time students in any  
3041 one of the programs listed in s. 1011.62(1)(c) which is the  
3042 equivalent of one full-time student based on the following  
3043 calculations:

3044           (I) A full-time student, except a postsecondary or adult  
3045 student or a senior high school student enrolled in adult  
3046 education when such courses are required for high school  
3047 graduation, in a combination of programs listed in s.  
3048 1011.62(1)(c) shall be a fraction of a full-time equivalent  
3049 membership in each special program equal to the number of net  
3050 hours per school year for which he or she is a member, divided  
3051 by the appropriate number of hours set forth in subparagraph  
3052 (a)1. or subparagraph (a)2. The difference between that fraction  
3053 or sum of fractions and the maximum value as set forth in  
3054 subsection (4) for each full-time student is presumed to be the  
3055 balance of the student's time not spent in such special  
3056 education programs and shall be recorded as time in the  
3057 appropriate basic program.

3058           (II) A prekindergarten handicapped student shall meet the  
3059 requirements specified for kindergarten students.

3060           (III) A Florida Virtual School full-time equivalent  
3061 student shall consist of six full credit completions in the  
3062 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions  
3063 can be a combination of either full credits or half credits.

3064           2. A student in membership in a program scheduled for more  
3065 or less than 180 school days is a fraction of a full-time  
3066 equivalent membership equal to the number of instructional hours  
3067 in membership divided by the appropriate number of hours set  
3068 forth in subparagraph (a)1.; however, for the purposes of this

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3069 subparagraph, membership in programs scheduled for more than 180  
3070 days is limited to students enrolled in juvenile justice  
3071 education programs and the Florida Virtual School.

3072 The department shall determine and implement an equitable method  
3073 of equivalent funding for experimental schools and for schools  
3074 operating under emergency conditions, which schools have been  
3075 approved by the department to operate for less than the minimum  
3076 school day.

3077 Section 36. Paragraphs (b), (c), (d), and (e) of  
3078 subsection (6) of section 1013.64, Florida Statutes, are amended  
3079 to read:

3080 1013.64 Funds for comprehensive educational plant needs;  
3081 construction cost maximums for school district capital  
3082 projects.--Allocations from the Public Education Capital Outlay  
3083 and Debt Service Trust Fund to the various boards for capital  
3084 outlay projects shall be determined as follows:

3085 (6)

3086 (b)1. A district school board, including a district school  
3087 board of an academic performance-based charter school district,  
3088 must not use funds from the following sources: Public Education  
3089 Capital Outlay and Debt Service Trust Fund; ~~or the~~ School  
3090 District and Community College District Capital Outlay and Debt  
3091 Service Trust Fund; Classrooms First Program funds provided in  
3092 s. 1013.68; effort index grant funds provided in s. 1013.73;  
3093 nonvoted 2-mill levy of ad valorem property taxes provided in s.  
3094 1011.71(2); Class Size Reduction Infrastructure Program funds  
3095 provided in s. 1013.735; District Effort Recognition Program  
3096 funds provided in s. 1013.736; school capital outlay sales

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3097 surtax provided in s. 212.055(6); local government  
3098 infrastructure sales surtax provided in s. 212.055(2); or voted  
3099 millage provided in s. 1011.73, for any new construction of  
3100 educational plant space with a total cost per student station,  
3101 including change orders, that equals more than:

- 3102 a. \$12,755 ~~\$11,600~~ for an elementary school,  
3103 b. \$14,624 ~~\$13,300~~ for a middle school, or  
3104 c. \$19,352 ~~\$17,600~~ for a high school,

3105

3106 (January 2002 ~~1997~~) as adjusted annually to reflect increases or  
3107 decreases in ~~by~~ the Consumer Price Index.

3108 2. A district school board must not use funds from the  
3109 Public Education Capital Outlay and Debt Service Trust Fund or  
3110 the School District and Community College District Capital  
3111 Outlay and Debt Service Trust Fund for any new construction of  
3112 an ancillary plant that exceeds 70 percent of the average cost  
3113 per square foot of new construction for all schools.

3114 (c) Except as otherwise provided, new construction  
3115 initiated after July 1, 2004, by a district school board funded  
3116 solely from proceeds received by school districts through  
3117 provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the  
3118 State Constitution ~~after June 30, 1997~~, must not exceed the cost  
3119 per student station as provided in paragraph (b). However, a  
3120 school district may exceed the cost per student station provided  
3121 in paragraph (b) if the school district:

3122 1. Utilizes funds provided through voted millage options  
3123 or, for those school districts with unincarcerated populations  
3124 of less than 100,000, funds generated through discretionary  
3125 2-mill authority.

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3126 2. Holds a public hearing that clearly communicates the  
3127 school district's purpose for the use of the funds and, during a  
3128 regularly scheduled meeting of the district school board, votes  
3129 to use such funds in the manner and for the purpose identified  
3130 in the public hearing.

3131 3. Annually reports to the department the amount of funds  
3132 used, the capital outlay for which the funds were used, and the  
3133 source of the funds.

3134 (d) The department shall:

3135 1. Compute for each calendar year the statewide average  
3136 construction costs for facilities serving each instructional  
3137 level, for relocatable educational facilities, for  
3138 administrative facilities, and for other ancillary and auxiliary  
3139 facilities. The department shall compute the statewide average  
3140 costs per student station for each instructional level.

3141 2. Annually review the actual completed construction costs  
3142 of educational facilities in each school district. For any  
3143 school district in which the total actual cost per student  
3144 station, including change orders, exceeds the statewide limits  
3145 established in paragraph (b), the school district shall report  
3146 to the department the actual cost per student station and the  
3147 reason for the school district's inability to adhere to the  
3148 limits established in paragraph (b). The department shall  
3149 collect all such reports and shall report to the Governor, the  
3150 President of the Senate, and the Speaker of the House of  
3151 Representatives by December 31 of each year a summary of each  
3152 school district's spending in excess of the cost per student  
3153 station provided in paragraph (b) as reported by the school  
3154 districts.

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3155

3156 Cost per student station includes contract costs, legal and  
3157 administrative costs, fees of architects and engineers,  
3158 furniture and equipment, and site improvement costs. Cost per  
3159 student station does not include the cost of purchasing or  
3160 leasing the site for the construction or the cost of related  
3161 offsite improvements.

3162 ~~(e) The restrictions of this subsection on the cost per~~  
3163 ~~student station of new construction do not apply to a project~~  
3164 ~~funded entirely from proceeds received by districts through~~  
3165 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~  
3166 ~~State Constitution, if the school board approves the project by~~  
3167 ~~majority vote.~~

3168 Section 37. Subsection (2) of section 1007.261 and  
3169 sections 1012.41, 1013.21, and 1013.43, Florida Statutes, are  
3170 repealed.

3171 Section 38. Subsection (13) is added to section 216.292,  
3172 Florida Statutes, to read:

3173 216.292 Appropriations nontransferable; exceptions.--

3174 (13) The Executive Office of the Governor shall transfer  
3175 funds from appropriations for public school operations to a  
3176 fixed capital outlay appropriation for class size reduction  
3177 based on recommendations of the Florida Education Finance  
3178 Program Appropriation Allocation Conference pursuant to s.  
3179 1003.03(5)(a). This subsection is subject to the notice and  
3180 review provisions of s. 216.177.

3181 Section 39. Section 1000.041, Florida Statutes, is created  
3182 to read:

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3183 1000.041 Better educated students and teachers (BEST)  
3184 Florida teaching; legislative purposes; guiding principles.--The  
3185 legislative purposes and guiding principles of BEST Florida  
3186 teaching are:

3187 (1) Teachers teach, students learn.

3188 (2) Teachers maintain orderly, disciplined classrooms  
3189 conducive to student learning.

3190 (3) Teachers are trained, recruited, well compensated, and  
3191 retained for quality.

3192 (4) Teachers are well rewarded for their students' high  
3193 performance.

3194 (5) Teachers are most effective when served by exemplary  
3195 school administrators.

3196  
3197 Each teacher preparation program, each postsecondary educational  
3198 institution providing dual enrollment or other acceleration  
3199 programs, each district school board, and each district and  
3200 school-based administrator fully supports and cooperates in the  
3201 accomplishment of these purposes and guiding principles.

3202 Section 40. Section 1001.33, Florida Statutes, is amended  
3203 to read:

3204 1001.33 Schools under control of district school board and  
3205 district school superintendent.--

3206 (1) Except as otherwise provided by law, all public  
3207 schools conducted within the district shall be under the  
3208 direction and control of the district school board with the  
3209 district school superintendent as executive officer.

3210 (2) Each district school board, each district school  
3211 superintendent, and each district and school-based administrator

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3212 shall cooperate to apply the following guiding principles for  
3213 better educated students and teachers (BEST) Florida teaching:

3214 (a) Teachers teach, students learn.

3215 (b) Teachers maintain orderly, disciplined classrooms  
3216 conducive to student learning.

3217 (c) Teachers are trained, recruited, well compensated, and  
3218 retained for quality.

3219 (d) Teachers are well rewarded for their students' high  
3220 performance.

3221 (e) Teachers are most effective when served by exemplary  
3222 school administrators.

3223 Section 41. Subsections (5) and (6) of section 1001.42,  
3224 Florida Statutes, are amended to read:

3225 1001.42 Powers and duties of district school board.--The  
3226 district school board, acting as a board, shall exercise all  
3227 powers and perform all duties listed below:

3228 (5) PERSONNEL.--

3229 (a) Designate positions to be filled, prescribe  
3230 qualifications for those positions, and provide for the  
3231 appointment, compensation, promotion, suspension, and dismissal  
3232 of employees, subject to the requirements of chapter 1012. Each  
3233 district school board shall provide clerical personnel or  
3234 volunteers who are not classroom teachers to assist teachers in  
3235 noninstructional activities, including performing paperwork and  
3236 recordkeeping duties. However, a teacher shall remain  
3237 responsible for all instructional activities and for classroom  
3238 management and grading student performance.

3239 (b) Notwithstanding s. 1012.55 or any other provision of  
3240 law or rule to the contrary ~~and, the district school board may,~~

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3241 consistent with adopted district school board policy relating to  
3242 alternative certification for school principals, have the  
3243 authority to appoint persons to the position of school principal  
3244 who do not hold educator certification.

3245 (c) Fully support and cooperate in the application of the  
3246 guiding principles for better educated students and teachers  
3247 (BEST) Florida teaching, pursuant to s. 1000.041.

3248 (6) STUDENT ~~CHILD~~ WELFARE.--

3249 (a) In accordance with the provisions of chapters 1003 and  
3250 1006, provide for the proper accounting for all students  
3251 ~~children~~ of school age, for the attendance and control of  
3252 students at school, and for proper attention to health, safety,  
3253 and other matters relating to the welfare of students ~~children~~.

3254 (b) In accordance with the provisions of ss. 1003.31 and  
3255 1003.32, fully support the authority of each teacher and school  
3256 bus driver to remove disobedient, disrespectful, violent,  
3257 abusive, uncontrollable, or disruptive students from the  
3258 classroom and the school bus and the authority of the school  
3259 principal to place such students in an alternative educational  
3260 setting, when appropriate and available.

3261 Section 42. Subsection (23) of section 1001.51, Florida  
3262 Statutes, is renumbered as subsection (25), and new subsections  
3263 (23) and (24) are added to said section to read:

3264 1001.51 Duties and responsibilities of district school  
3265 superintendent.--The district school superintendent shall  
3266 exercise all powers and perform all duties listed below and  
3267 elsewhere in the law, provided that, in so doing, he or she  
3268 shall advise and counsel with the district school board. The  
3269 district school superintendent shall perform all tasks necessary

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3270 to make sound recommendations, nominations, proposals, and  
3271 reports required by law to be acted upon by the district school  
3272 board. All such recommendations, nominations, proposals, and  
3273 reports by the district school superintendent shall be either  
3274 recorded in the minutes or shall be made in writing, noted in  
3275 the minutes, and filed in the public records of the district  
3276 school board. It shall be presumed that, in the absence of the  
3277 record required in this section, the recommendations,  
3278 nominations, and proposals required of the district school  
3279 superintendent were not contrary to the action taken by the  
3280 district school board in such matters.

3281 (23) QUALITY TEACHERS.--Fully support and cooperate in the  
3282 application of the guiding principles for better educated  
3283 students and teachers (BEST) Florida teaching, pursuant to s.  
3284 1000.041.

3285 (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully support  
3286 the authority of each teacher, according to s. 1003.32, and  
3287 school bus driver to remove disobedient, disrespectful, violent,  
3288 abusive, uncontrollable, or disruptive students from the  
3289 classroom and the school bus and the authority of the school  
3290 principal to place such students in an alternative educational  
3291 setting, when appropriate and available.

3292 Section 43. Subsection (1) of section 1001.54, Florida  
3293 Statutes, is amended to read:

3294 1001.54 Duties of school principals.--

3295 (1)(a) A district school board shall employ, through  
3296 written contract, public school principals.

3297 (b) The school principal has authority over school  
3298 district personnel in accordance with s. 1012.28.

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3299        (c) The school principal shall encourage school personnel  
3300 to implement the guiding principles for better educated students  
3301 and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

3302        (d) The school principal should fully support the  
3303 authority of each teacher, according to s. 1003.32, and school  
3304 bus driver to remove disobedient, disrespectful, violent,  
3305 abusive, uncontrollable, or disruptive students from the  
3306 classroom and the school bus and, when appropriate and  
3307 available, place such students in an alternative educational  
3308 setting.

3309        Section 44. Subsection (22) is added to said section  
3310 1002.20, Florida Statutes, to read:

3311        1002.20 K-12 student and parent rights.--K-12 students and  
3312 their parents are afforded numerous statutory rights including,  
3313 but not limited to, the following:

3314        (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school  
3315 students shall be in orderly, disciplined classrooms conducive  
3316 to learning without the distraction caused by disobedient,  
3317 disrespectful, violent, abusive, uncontrollable, or disruptive  
3318 students, in accordance with s. 1003.32.

3319        Section 45. Subsection (13) of section 1002.42, Florida  
3320 Statutes, is amended to read:

3321        1002.42 Private schools.--

3322        (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization of  
3323 private schools that has no fewer than 10 member schools in this  
3324 state may develop a professional development system to be filed  
3325 with the Department of Education in accordance with the  
3326 provisions of s. 1012.98(6)~~(7)~~.

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3327 Section 46. Section 1003.04, Florida Statutes, is amended  
3328 to read:

3329 1003.04 Student conduct and parental involvement ~~goals~~--

3330 ~~(1) It is the goal of the Legislature and each district~~  
3331 ~~school board that~~ Each public K-12 student must comply with  
3332 school attendance laws ~~remain in attendance~~ throughout the  
3333 school year, unless excused by the school for illness or other  
3334 good cause, and must comply fully with the school's code of  
3335 conduct.

3336 (2) The parent of each public K-12 student must cooperate  
3337 with the authority of the student's district school board,  
3338 superintendent, principal, teachers, and school bus drivers,  
3339 according to ss. 1003.31 and 1003.32, to remove the student from  
3340 the classroom and the school bus and, when appropriate and  
3341 available, to place the student in an alternative educational  
3342 setting, if the student is disobedient, disrespectful, violent,  
3343 abusive, uncontrollable, or disruptive.

3344 ~~(3)(2)~~ It is the goal of the Legislature and each district  
3345 school board that the parent of each public K-12 student comply  
3346 with the school's reasonable and time-acceptable parental  
3347 involvement requests.

3348 Section 47. Subsection (1) of section 1003.31, Florida  
3349 Statutes, is amended to read:

3350 1003.31 Students subject to control of school.--

3351 (1) Subject to law and rules of the State Board of  
3352 Education and of the district school board, each student  
3353 enrolled in a school shall:

3354 (a) During the time she or he is being transported to or  
3355 from school at public expense;

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3356 (b) During the time she or he is attending school;  
3357 (c) During the time she or he is on the school premises  
3358 participating with authorization in a school-sponsored activity;  
3359 and  
3360 (d) During a reasonable time before and after the student  
3361 is on the premises for attendance at school or for authorized  
3362 participation in a school-sponsored activity, and only when on  
3363 the premises,  
3364  
3365 be under the control and direction of the principal or teacher  
3366 in charge of the school, and under the immediate control and  
3367 direction of the teacher or other member of the instructional  
3368 staff or of the bus driver to whom such responsibility may be  
3369 assigned by the principal. However, the State Board of Education  
3370 or the district school board may, by rules, subject each student  
3371 to the control and direction of the principal or teacher in  
3372 charge of the school during the time she or he is otherwise en  
3373 route to or from school or is presumed by law to be attending  
3374 school. Each district school board, each district school  
3375 superintendent, and each school principal should fully support  
3376 the authority of teachers, according to s. 1003.32, and school  
3377 bus drivers to remove disobedient, disrespectful, violent,  
3378 abusive, uncontrollable, or disruptive students from the  
3379 classroom and the school bus and, when appropriate and  
3380 available, place such students in an alternative educational  
3381 setting.

3382 Section 48. Section 1003.32, Florida Statutes, is amended  
3383 to read:

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3384           1003.32 Authority of teacher; responsibility for control  
3385 of students; district school board and principal  
3386 duties.--Subject to law and to the rules of the district school  
3387 board, each teacher or other member of the staff of any school  
3388 shall have such authority for the control and discipline of  
3389 students as may be assigned to him or her by the principal or  
3390 the principal's designated representative and shall keep good  
3391 order in the classroom and in other places in which he or she is  
3392 assigned to be in charge of students.

3393           (1) In accordance with this section and within the  
3394 framework of the district school board's code of student  
3395 conduct, teachers and other instructional personnel shall have  
3396 the authority to undertake any of the following actions in  
3397 managing student behavior and ensuring the safety of all  
3398 students in their classes and school and their opportunity to  
3399 learn in an orderly and disciplined classroom:

3400           (a) Establish classroom rules of conduct.

3401           (b) Establish and implement consequences, designed to  
3402 change behavior, for infractions of classroom rules.

3403           (c) Have disobedient, disrespectful, violent, abusive,  
3404 uncontrollable, or disruptive students ~~temporarily~~ removed from  
3405 the classroom for behavior management intervention.

3406           (d) Have violent, abusive, uncontrollable, or disruptive  
3407 students directed for information or assistance from appropriate  
3408 school or district school board personnel.

3409           (e) Assist in enforcing school rules on school property,  
3410 during school-sponsored transportation, and during school-  
3411 sponsored activities.

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3412 (f) Request and receive information as to the disposition  
3413 of any referrals to the administration for violation of  
3414 classroom or school rules.

3415 (g) Request and receive immediate assistance in classroom  
3416 management if a student becomes uncontrollable or in case of  
3417 emergency.

3418 (h) Request and receive training and other assistance to  
3419 improve skills in classroom management, violence prevention,  
3420 conflict resolution, and related areas.

3421 (i) Press charges if there is reason to believe that a  
3422 crime has been committed ~~against the teacher or other~~  
3423 ~~instructional personnel~~ on school property, during school-  
3424 sponsored transportation, or during school-sponsored activities.

3425 (j) Use reasonable force, according to standards adopted  
3426 by the State Board of Education, to protect himself or herself  
3427 or others from injury.

3428 (k) Use corporal punishment according to school board  
3429 policy and at least the following procedures, if a teacher feels  
3430 that corporal punishment is necessary:

3431 1. The use of corporal punishment shall be approved in  
3432 principle by the principal before it is used, but approval is  
3433 not necessary for each specific instance in which it is used.  
3434 The principal shall prepare guidelines for administering such  
3435 punishment which identify the types of punishable offenses, the  
3436 conditions under which the punishment shall be administered, and  
3437 the specific personnel on the school staff authorized to  
3438 administer the punishment.

3439 2. A teacher or principal may administer corporal  
3440 punishment only in the presence of another adult who is informed



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3441 beforehand, and in the student's presence, of the reason for the  
3442 punishment.

3443 3. A teacher or principal who has administered punishment  
3444 shall, upon request, provide the student's parent with a written  
3445 explanation of the reason for the punishment and the name of the  
3446 other adult who was present.

3447 (2) Teachers and other instructional personnel shall:

3448 (a) Set and enforce reasonable classroom rules that treat  
3449 all students equitably.

3450 (b) Seek professional development to improve classroom  
3451 management skills when data show that they are not effective in  
3452 handling minor classroom disruptions.

3453 (c) Maintain an orderly and disciplined classroom with a  
3454 positive and effective learning environment that maximizes  
3455 learning and minimizes disruption.

3456 (d) Work with parents and other school personnel to solve  
3457 discipline problems in their classrooms.

3458 (3) A teacher may send a student to the principal's office  
3459 to maintain effective discipline in the classroom and may  
3460 recommend an appropriate consequence consistent with the student  
3461 code of conduct under s. 1006.07. The principal shall respond by  
3462 employing the teacher's recommended consequence or a more  
3463 serious disciplinary action if the student's history of  
3464 disruptive behavior warrants it. If the principal determines  
3465 that a different disciplinary action is appropriate, the  
3466 principal should consult with the teacher prior to taking such  
3467 different disciplinary action ~~appropriate discipline management~~  
3468 ~~techniques consistent with the student code of conduct under s.~~  
3469 ~~1006.07.~~

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3470 (4) A teacher may remove a student from class ~~a student~~  
3471 whose behavior the teacher determines interferes with the  
3472 teacher's ability to communicate effectively with the students  
3473 in the class or with the ability of the student's classmates to  
3474 learn. Each district school board, each district school  
3475 superintendent, and each school principal should support the  
3476 authority of teachers to remove disobedient, violent, abusive,  
3477 uncontrollable, or disruptive students from the classroom.

3478 (5) If a teacher removes a student from class under  
3479 subsection (4), the principal may place the student in another  
3480 appropriate classroom, in in-school suspension, or in a dropout  
3481 prevention and academic intervention program as provided by s.  
3482 1003.53; or the principal may recommend the student for out-of-  
3483 school suspension or expulsion, as appropriate. The student may  
3484 be prohibited from attending or participating in school-  
3485 sponsored or school-related activities. The principal may not  
3486 return the student to that teacher's class without the teacher's  
3487 consent unless the committee established under subsection (6)  
3488 determines that such placement is the best or only available  
3489 alternative. The teacher and the placement review committee must  
3490 render decisions within 5 days of the removal of the student  
3491 from the classroom.

3492 (6)(a) Each school shall establish a placement review  
3493 committee to determine placement of a student when a teacher  
3494 withholds consent to the return of a student to the teacher's  
3495 class. A school principal must notify each teacher in that  
3496 school about the availability, the procedures, and the criteria  
3497 for the placement review committee as outlined in this section.

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3498       (b) The principal must report on a quarterly basis to the  
3499 district school superintendent and district school board each  
3500 incidence of a teacher's withholding consent for a removed  
3501 student to return to the teacher's class and the disposition of  
3502 the incident, and the superintendent must annually report these  
3503 data to the department.

3504       (c) The Commissioner of Education shall annually review  
3505 each school district's compliance with this section, and success  
3506 in achieving orderly classrooms, and shall use all appropriate  
3507 enforcement actions up to and including the withholding of  
3508 disbursements from the Educational Enhancement Trust Fund until  
3509 full compliance is verified.

3510       (d) Placement review committee membership must include at  
3511 least the following:

3512           1.(a) Two teachers, one selected by the school's faculty  
3513 and one selected by the teacher who has removed the student.

3514           2.(b) One member from the school's staff who is selected  
3515 by the principal.

3516

3517       The teacher who withheld consent to readmitting the student may  
3518 not serve on the committee. The teacher and the placement review  
3519 committee must render decisions within 5 days after the removal  
3520 of the student from the classroom. If the placement review  
3521 committee's decision is contrary to the decision of the teacher  
3522 to withhold consent to the return of the removed student to the  
3523 teacher's class, the teacher may appeal the committee's decision  
3524 to the district school superintendent.

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3525 (7) Any teacher who removes 25 percent of his or her total  
3526 class enrollment shall be required to complete professional  
3527 development to improve classroom management skills.

3528 (8) Each teacher or other member of the staff of any  
3529 school who knows or has reason to believe that any person has  
3530 committed, or has made a credible threat to commit, a crime of  
3531 violence on school property shall report such knowledge or  
3532 belief in accordance with the provisions of s. 1006.13. Each  
3533 district school superintendent and each school principal shall  
3534 fully support good faith reporting in accordance with the  
3535 provisions of this subsection and s. 1006.13. Any person who  
3536 makes a report required by this subsection in good faith shall  
3537 be immune from civil or criminal liability for making the  
3538 report.

3539 (9)~~(8)~~ When knowledgeable of the likely risk of physical  
3540 violence in the schools, the district school board shall take  
3541 reasonable steps to ensure that teachers, other school staff,  
3542 and students are not at undue risk of violence or harm.

3543 Section 49. Section 1004.04, Florida Statutes, is amended  
3544 to read:

3545 1004.04 Public accountability and state approval for  
3546 teacher preparation programs.--

3547 (1) INTENT.--

3548 (a) The Legislature recognizes that skilled teachers make  
3549 an important contribution to a system that allows students to  
3550 obtain a high-quality education.

3551 (b) The intent of the Legislature is to require the State  
3552 Board of Education to attain ~~establish~~ a system for development  
3553 and approval of teacher preparation programs that allows will

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3554 ~~free~~ postsecondary teacher preparation institutions to employ  
3555 varied and innovative teacher preparation techniques while being  
3556 held accountable for producing graduates with the competencies  
3557 and skills necessary to achieve the state education goals; help  
3558 the state's diverse student population, including students who  
3559 have substandard reading and computational skills and students  
3560 with limited English proficiency, meet high standards for  
3561 academic achievement; maintain safe, secure classroom learning  
3562 environments; and sustain the state system of school improvement  
3563 and education accountability established pursuant to ss.  
3564 1000.03(5) and 1008.345.

3565 (2) UNIFORM CORE CURRICULA.--

3566 (a) The State Board of Education shall adopt rules  
3567 pursuant to ss. 120.536(1) and 120.54 that establish uniform  
3568 core curricula for each state-approved teacher preparation  
3569 program.

3570 (b) The rules to establish uniform core curricula for each  
3571 state-approved teacher preparation program must include, but are  
3572 not limited to, a State Board of Education identified foundation  
3573 in scientifically researched, knowledge-based reading literacy  
3574 and computational skills acquisition; classroom management;  
3575 school safety; professional ethics; educational law; human  
3576 development and learning; and understanding of the Sunshine  
3577 State Standards content measured by state achievement tests,  
3578 reading and interpretation of data, and use of data to improve  
3579 student achievement.

3580 (c) These rules shall not require an additional period of  
3581 time-to-degree but may be phased in to enable teacher  
3582 preparation programs to supplant courses, including pedagogy

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3583 courses, not required by law or State Board of Education rule  
3584 with the courses identified pursuant to paragraph (b).

3585 (3)-(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A  
3586 system developed by the Department of Education in collaboration  
3587 with postsecondary educational institutions shall assist  
3588 departments and colleges of education in the restructuring of  
3589 their programs in accordance with this section to meet the need  
3590 for producing quality teachers now and in the future.

3591 (a) The system must be designed to assist teacher  
3592 educators in conceptualizing, developing, implementing, and  
3593 evaluating programs that meet state-adopted standards. These  
3594 standards shall emphasize quality indicators drawn from  
3595 research, professional literature, recognized guidelines,  
3596 Florida essential teaching competencies and educator-  
3597 accomplished practices, effective classroom practices, and the  
3598 outcomes of the state system of school improvement and education  
3599 accountability, as well as performance measures.

3600 (b) Departments and colleges of education shall emphasize  
3601 the state system of school improvement and education  
3602 accountability concepts and standards, including Sunshine State  
3603 Standards.

3604 (c) State-approved teacher preparation programs must  
3605 incorporate:

3606 1. Appropriate English for Speakers of Other Languages  
3607 instruction so that program graduates will have completed the  
3608 requirements for teaching limited English proficient students in  
3609 Florida public schools.

3610 2. Scientifically researched, knowledge-based reading  
3611 literacy and computational skills instruction so that program

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3612 graduates will be able to provide the necessary academic  
3613 foundations for their students at whatever grade levels they  
3614 choose to teach.

3615 ~~(4)~~(3) INITIAL STATE PROGRAM APPROVAL.--

3616 (a) A program approval process based on standards adopted  
3617 pursuant to subsections ~~subsection~~ (2) and (3) must be  
3618 established for postsecondary teacher preparation programs,  
3619 phased in according to timelines determined by the Department of  
3620 Education, and fully implemented for all teacher preparation  
3621 programs in the state. Each program shall be approved by the  
3622 department, consistent with the intent set forth in subsection  
3623 (1) and based primarily upon significant, objective, and  
3624 quantifiable graduate performance measures.

3625 (b) Each teacher preparation program approved by the  
3626 Department of Education, as provided for by this section, shall  
3627 require students to meet the following as prerequisites for  
3628 admission into the program:

3629 1. Have a grade point average of at least 2.5 on a 4.0  
3630 scale for the general education component of undergraduate  
3631 studies or have completed the requirements for a baccalaureate  
3632 degree with a minimum grade point average of 2.5 on a 4.0 scale  
3633 from any college or university accredited by a regional  
3634 accrediting association as defined by State Board of Education  
3635 rule or any college or university otherwise approved pursuant to  
3636 State Board of Education rule.

3637 2. Demonstrate mastery of general knowledge, including the  
3638 ability to read, write, and compute, by passing the College  
3639 Level Academic Skills Test, a corresponding component of the

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3640 National Teachers Examination series, or a similar test pursuant  
3641 to rules of the State Board of Education.

3642  
3643 Each teacher preparation program may waive these admissions  
3644 requirements for up to 10 percent of the students admitted.  
3645 Programs shall implement strategies to ensure that students  
3646 admitted under a waiver receive assistance to demonstrate  
3647 competencies to successfully meet requirements for  
3648 certification.

3649 (5)~~(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding  
3650 subsection (4) ~~(3)~~, failure by a public or nonpublic teacher  
3651 preparation program to meet the criteria for continued program  
3652 approval shall result in loss of program approval. The  
3653 Department of Education, in collaboration with the departments  
3654 and colleges of education, shall develop procedures for  
3655 continued program approval that document the continuous  
3656 improvement of program processes and graduates' performance.

3657 (a) Continued approval of specific teacher preparation  
3658 programs at each public and nonpublic postsecondary educational  
3659 institution within the state is contingent upon the passing of  
3660 the written examination required by s. 1012.56 by at least 90  
3661 percent of the graduates of the program who take the  
3662 examination. ~~On request of an institution,~~ The Department of  
3663 Education shall annually provide an analysis of the performance  
3664 of the graduates of such institution with respect to the  
3665 competencies assessed by the examination required by s. 1012.56.

3666 (b) Additional criteria for continued program approval for  
3667 public institutions may be approved by the State Board of  
3668 Education. Such criteria must emphasize instruction in classroom

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3669 management and must provide for the evaluation of the teacher  
3670 candidates' performance in this area. The criteria shall also  
3671 require instruction in working with underachieving students.  
3672 Program evaluation procedures must include, but are not limited  
3673 to, program graduates' satisfaction with instruction and the  
3674 program's responsiveness to local school districts. Additional  
3675 criteria for continued program approval for nonpublic  
3676 institutions shall be developed in the same manner as for public  
3677 institutions; however, such criteria must be based upon  
3678 significant, objective, and quantifiable graduate performance  
3679 measures. Responsibility for collecting data on outcome measures  
3680 through survey instruments and other appropriate means shall be  
3681 shared by the postsecondary educational institutions and the  
3682 Department of Education. By January 1 of each year, the  
3683 Department of Education shall report this information for each  
3684 postsecondary educational institution that has state-approved  
3685 programs of teacher education to the Governor, the State Board  
3686 of Education, the Commissioner of Education, the President of  
3687 the Senate, the Speaker of the House of Representatives, all  
3688 Florida postsecondary teacher preparation programs, and  
3689 interested members of the public. This report must analyze the  
3690 data and make recommendations for improving teacher preparation  
3691 programs in the state.

3692 (c) Continued approval for a teacher preparation program  
3693 is contingent upon the results of periodic annual reviews, on a  
3694 schedule established by the State Board of Education, of the  
3695 program conducted by the postsecondary educational institution,  
3696 using procedures and criteria outlined in an institutional  
3697 program evaluation plan approved by the Department of Education.

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3698 This plan must incorporate the criteria established in  
3699 paragraphs (a) and (b) and include provisions for involving  
3700 primary stakeholders, such as program graduates, district school  
3701 personnel, classroom teachers, principals, community agencies,  
3702 and business representatives in the evaluation process. Upon  
3703 request by an institution, the department shall provide  
3704 assistance in developing, enhancing, or reviewing the  
3705 institutional program evaluation plan and training evaluation  
3706 team members.

3707 (d) Continued approval for a teacher preparation program  
3708 is contingent upon standards being in place that are designed to  
3709 adequately prepare elementary, middle, and high school teachers  
3710 to instruct their students in reading and higher-level  
3711 mathematics concepts and in the use of technology at the  
3712 appropriate grade level.

3713 (e) Continued approval of teacher preparation programs is  
3714 contingent upon compliance with the student admission  
3715 requirements of subsection (4) ~~(3)~~ and upon the receipt of at  
3716 least a satisfactory rating from public schools and private  
3717 schools that employ graduates of the program. Each teacher  
3718 preparation program at a state university or community college  
3719 shall guarantee that its graduates will demonstrate the skills  
3720 specified in subparagraphs 1.-5. during the first 2 years  
3721 immediately following graduation from the program or following  
3722 initial certification, whichever occurs first. Any teacher in a  
3723 Florida public school who fails to demonstrate the essential  
3724 skills specified in subparagraphs 1.-5. shall be provided  
3725 additional training by the state university or community college  
3726 from which he or she received the education degree at no expense

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3727 to the teacher or the employer. Such training must consist of an  
3728 individualized plan agreed upon by the school district and the  
3729 public postsecondary educational institution that includes  
3730 specific learning outcomes. The public postsecondary educational  
3731 institution assumes no responsibility for the teacher's  
3732 employment contract with the employer. Employer satisfaction  
3733 shall be determined by a ~~an annually administered~~ survey  
3734 instrument approved by the Department of Education and annually  
3735 administered by the postsecondary educational institution that,  
3736 at a minimum, must include employer satisfaction of the  
3737 graduates' ability to do the following:

3738 1. Write and speak in a logical and understandable style  
3739 with appropriate grammar.

3740 2. Recognize signs of students' difficulty with the  
3741 reading and computational process and apply appropriate measures  
3742 to improve students' reading and computational performance.

3743 3. Use and integrate appropriate technology in teaching  
3744 and learning processes.

3745 4. Demonstrate knowledge and understanding of Sunshine  
3746 State Standards.

3747 5. Maintain an orderly and disciplined classroom conducive  
3748 to student learning.

3749 (f)1. Each Florida public and private institution that  
3750 offers a state-approved teacher preparation program must  
3751 annually report information regarding these programs to the  
3752 state and the general public. This information shall be reported  
3753 in a uniform and comprehensible manner that is consistent with  
3754 definitions and methods approved by the Commissioner of the  
3755 National Center for Educational Statistics and that is approved

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3756 by the State Board of Education. This information must include,  
3757 at a minimum:

3758 a. The percent of graduates obtaining full-time teaching  
3759 employment within the first year of graduation.

3760 b. The average length of stay of graduates in their full-  
3761 time teaching positions.

3762 c. Satisfaction ratings required in paragraph (e).

3763 2. Each public and private institution offering training  
3764 for school readiness related professions, including training in  
3765 the fields of child care and early childhood education, whether  
3766 offering technical credit, associate in applied science degree  
3767 programs, associate in science degree programs, or associate in  
3768 arts degree programs, shall annually report information  
3769 regarding these programs to the state and the general public in  
3770 a uniform and comprehensible manner that conforms with  
3771 definitions and methods approved by the State Board of  
3772 Education. This information must include, at a minimum:

3773 a. Average length of stay of graduates in their positions.

3774 b. Satisfaction ratings of graduates' employers.

3775

3776 This information shall be reported through publications,  
3777 including college and university catalogs and promotional  
3778 materials sent to potential applicants, secondary school  
3779 guidance counselors, and prospective employers of the  
3780 institution's program graduates.

3781 ~~(6)~~(5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
3782 instructors, school district personnel and instructional  
3783 personnel, and school sites preparing instructional personnel  
3784 through preservice field experience courses and internships

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3785 shall meet special requirements. District school boards are  
3786 authorized to pay student teachers during their internships.

3787 (a) All instructors in postsecondary teacher preparation  
3788 programs who instruct or supervise preservice field experience  
3789 courses or internships shall have at least one of the following:  
3790 specialized training in clinical supervision; a valid  
3791 professional teaching certificate pursuant to ss. 1012.56 and  
3792 1012.585; or at least 3 years of successful teaching experience  
3793 in prekindergarten through grade 12.

3794 (b) All school district personnel and instructional  
3795 personnel who supervise or direct teacher preparation students  
3796 during field experience courses or internships must have  
3797 evidence of "clinical educator" training and must successfully  
3798 demonstrate effective classroom management strategies that  
3799 consistently result in improved student performance. The State  
3800 Board of Education shall approve the training requirements.

3801 (c) Preservice field experience programs must provide  
3802 specific guidance and demonstration of effective classroom  
3803 management strategies, strategies for incorporating technology  
3804 into classroom instruction, strategies for incorporating  
3805 scientifically researched, knowledge-based reading literacy and  
3806 computational skills acquisition into classroom instruction, and  
3807 ways to link instructional plans to the Sunshine State  
3808 Standards, as appropriate. The length of structured field  
3809 experiences may be extended to ensure that candidates achieve  
3810 the competencies needed to meet certification requirements.

3811 (d) Postsecondary teacher preparation programs in  
3812 cooperation with district school boards and approved private  
3813 school associations shall select the school sites for preservice

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3814 field experience activities. These sites must represent the full  
3815 spectrum of school communities, including, but not limited to,  
3816 schools located in urban settings. In order to be selected,  
3817 school sites must demonstrate commitment to the education of  
3818 public school students and to the preparation of future  
3819 teachers.

3820 (7)~~(6)~~ STANDARDS OF EXCELLENCE.--The State Board of  
3821 Education shall approve standards of excellence for teacher  
3822 preparation. These standards must exceed the requirements for  
3823 program approval pursuant to subsection (4) ~~(3)~~ and must  
3824 incorporate state and national recommendations for exemplary  
3825 teacher preparation programs.

3826 (8)~~(7)~~ NATIONAL BOARD STANDARDS.--The State Board of  
3827 Education shall review standards and recommendations developed  
3828 by the National Board for Professional Teaching Standards and  
3829 may incorporate those parts deemed appropriate into criteria for  
3830 continued state program approval, standards of excellence, and  
3831 requirements for inservice education.

3832 (9)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,  
3833 postsecondary educational institutions offering teacher  
3834 preparation programs shall establish articulation agreements on  
3835 a core of liberal arts courses and introductory professional  
3836 courses with field experience components which shall be offered  
3837 at community colleges.

3838 (10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT  
3839 PROGRAMS.--State universities and community colleges may  
3840 establish preteacher education and teacher education pilot  
3841 programs to encourage promising minority students to prepare for  
3842 a career in education. These pilot programs shall be designed to

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3843 recruit and provide additional academic, clinical, and  
3844 counseling support for students whom the institution judges to  
3845 be potentially successful teacher education candidates, but who  
3846 may not meet teacher education program admission standards.  
3847 Priority consideration shall be given to those pilot programs  
3848 that are jointly submitted by community colleges and state  
3849 universities.

3850 (a) These pilot programs shall be approved by the State  
3851 Board of Education and shall be designed to provide help and  
3852 support for program participants during the preteacher education  
3853 period of general academic preparation at a community college or  
3854 state university and during professional preparation in a state-  
3855 approved teacher education program. Emphasis shall be placed on  
3856 development of the basic skills needed by successful teachers.

3857 (b) State universities and community colleges may admit  
3858 into the pilot program those incoming students who demonstrate  
3859 an interest in teaching as a career, but who may not meet the  
3860 requirements for entrance into an approved teacher education  
3861 program.

3862 1. Flexibility may be given to colleges of education to  
3863 develop and market innovative teacher training programs directed  
3864 at specific target groups such as graduates from the colleges of  
3865 arts and sciences, employed education paraprofessionals,  
3866 substitute teachers, early federal retirees, and nontraditional  
3867 college students. Programs must be submitted to the State Board  
3868 of Education for approval.

3869 2. Academically successful graduates in the fields of  
3870 liberal arts and science may be encouraged to embark upon a  
3871 career in education.

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3872 3. Models may be developed to provide a positive initial  
3873 experience in teaching in order to encourage retention. Priority  
3874 should be given to models that encourage minority graduates.

3875 (c) In order to be certified, a graduate from a pilot  
3876 program shall meet all requirements for teacher certification  
3877 specified by s. 1012.56. Should a graduate of a pilot program  
3878 not meet the requirements of s. 1012.56, that person shall not  
3879 be included in the calculations required by paragraph ~~(5)~~(4)(a)  
3880 and State Board of Education rules for continued program  
3881 approval, or in the statutes used by the State Board of  
3882 Education in deciding which teacher education programs to  
3883 approve.

3884 (d) Institutions participating in the pilot program shall  
3885 submit an annual report evaluating the success of the program to  
3886 the Commissioner of Education by March 1 of each year. The  
3887 report shall include, at a minimum, ~~contain, but shall not be~~  
3888 ~~limited to:~~ the number of pilot program participants, including  
3889 the number participating in general education and the number  
3890 admitted to approved teacher education programs, the number of  
3891 pilot program graduates, and the number of pilot program  
3892 graduates who met the requirements of s. 1012.56. The  
3893 commissioner shall consider the number of participants  
3894 recruited, the number of graduates, and the number of graduates  
3895 successfully meeting the requirements of s. 1012.56 reported by  
3896 each institution, and shall make an annual recommendation to the  
3897 State Board of Education regarding the institution's continued  
3898 participation in the pilot program.

3899 ~~(11)~~(10) TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-  
3900 ACHIEVING STUDENTS.--Pilot teacher preparation programs may

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3901 shall be established at any college or university that has a  
3902 state board approved teacher preparation program ~~the University~~  
3903 ~~of Central Florida, the University of North Florida, and the~~  
3904 ~~University of South Florida~~. These programs shall include a  
3905 year-long paid teaching assignment and competency-based learning  
3906 experiences and shall be designed to encourage high-achieving  
3907 students, as identified by the institution, to pursue a career  
3908 in education. Priority consideration shall be given to students  
3909 obtaining academic degrees in mathematics, science, engineering,  
3910 reading, or identified critical shortage areas. Students chosen  
3911 to participate in the pilot programs shall agree to teach for at  
3912 least 3 years ~~1 year~~ after they receive their degrees. Criteria  
3913 for identifying high-achieving students shall be developed by  
3914 the institution and shall include, at a minimum, requirements  
3915 that the student have a 3.3 grade point average or above and  
3916 that the student has demonstrated mastery of general knowledge  
3917 pursuant to s. 1012.56. The year-long paid teaching assignment  
3918 shall begin after completion of the equivalent of 3 years of the  
3919 state university teacher preparation program.

3920 (a) Each pilot program shall be designed to include:

3921 1. A year-long paid teaching assignment at a low-  
3922 performing ~~specified~~ school site during the fourth year of the  
3923 state university teacher preparation program, which includes  
3924 intense supervision by a support team trained in clinical  
3925 education. The support team shall include a state university  
3926 supervisor and experienced school-based mentors. A mentor  
3927 teacher shall be assigned to each fourth year employed teacher  
3928 to implement an individualized learning plan. This mentor  
3929 teacher will be considered an adjunct professor for purposes of

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3930 this program and may receive credit for time spent as a mentor  
3931 teacher in the program. The mentor teacher must have a master's  
3932 degree or above, a minimum of 3 years of teaching experience,  
3933 and clinical education training or certification by the National  
3934 Board ~~for~~ of Professional Teaching Standards. Experiences and  
3935 instruction may be delivered by other mentors, assigned  
3936 teachers, professors, individualized learning, and  
3937 demonstrations. Students in this paid teaching assignment shall  
3938 assume full responsibility of all teaching duties.

3939 2. Professional education curriculum requirements that  
3940 address the educator-accomplished practices and other  
3941 competencies specified in state board rule.

3942 3. A modified instructional delivery system that provides  
3943 onsite training during the paid teaching assignment in the  
3944 professional education areas and competencies specified in this  
3945 subsection. The institutions participating in this pilot program  
3946 shall be given a waiver to provide a modified instructional  
3947 delivery system meeting criteria that allows earned credit  
3948 through nontraditional approaches. The modified system may  
3949 provide for an initial evaluation of the candidate's  
3950 competencies to determine an appropriate individualized  
3951 professional development plan and may provide for earned credit  
3952 by:

- 3953 a. Internet learning and competency acquisition.  
3954 b. Learning acquired by observing demonstrations and being  
3955 observed in application.  
3956 c. Independent study or instruction by mentor teachers or  
3957 adjunct teachers.

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3958 4. Satisfactory demonstration of the educator-accomplished  
3959 practices and content area competencies for program completion.

3960 5. For program completion, required achievement of passing  
3961 scores on all tests required for certification by State Board of  
3962 Education rules.

3963 (b) Beginning in July 2003, each institution participating  
3964 in the pilot program shall submit to the Commissioner of  
3965 Education an annual report evaluating the effectiveness of the  
3966 program. The report shall include, but shall not be limited to,  
3967 the number of students selected for the pilot program, the  
3968 number of students successfully completing the pilot program,  
3969 the number of program participants who passed all required  
3970 examinations, the number of program participants who  
3971 successfully demonstrated all required competencies, and a  
3972 follow-up study to determine the number of pilot program  
3973 completers who were employed in a teaching position and  
3974 employers' satisfaction with the performance of pilot program  
3975 completers based on student performance.

3976 (c) This subsection shall be implemented to the extent  
3977 specifically funded in the General Appropriations Act.

3978 (12)~~(11)~~ RULES.--The State Board of Education shall adopt  
3979 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
3980 implement this section.

3981 Section 50. Subsection (1) of section 1006.08, Florida  
3982 Statutes, is amended to read:

3983 1006.08 District school superintendent duties relating to  
3984 student discipline and school safety.--

3985 (1) The district school superintendent shall recommend  
3986 plans to the district school board for the proper accounting for

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3987 all students of school age, for the attendance and control of  
3988 students at school, and for the proper attention to health,  
3989 safety, and other matters which will best promote the welfare of  
3990 students. Each district school superintendent should fully  
3991 support the authority of principals, teachers, according to s.  
3992 1003.32, and school bus drivers to remove disobedient,  
3993 disrespectful, violent, abusive, uncontrollable, or disruptive  
3994 students from the classroom and the school bus and, when  
3995 appropriate and available, to place such students in an  
3996 alternative educational setting. When the district school  
3997 superintendent makes a recommendation for expulsion to the  
3998 district school board, he or she shall give written notice to  
3999 the student and the student's parent of the recommendation,  
4000 setting forth the charges against the student and advising the  
4001 student and his or her parent of the student's right to due  
4002 process as prescribed by ss. 120.569 and 120.57(2). When  
4003 district school board action on a recommendation for the  
4004 expulsion of a student is pending, the district school  
4005 superintendent may extend the suspension assigned by the  
4006 principal beyond 10 school days if such suspension period  
4007 expires before the next regular or special meeting of the  
4008 district school board.

4009 Section 51. Paragraph (a) of subsection (1) of section  
4010 1006.09, Florida Statutes, is amended to read:

4011 1006.09 Duties of school principal relating to student  
4012 discipline and school safety.--

4013 (1)(a) Subject to law and to the rules of the State Board  
4014 of Education and the district school board, the principal in  
4015 charge of the school or the principal's designee shall develop

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4016 policies for delegating to any teacher or other member of the  
4017 instructional staff or to any bus driver transporting students  
4018 of the school responsibility for the control and direction of  
4019 students. Each school principal should fully support the  
4020 authority of teachers, according to s. 1003.32, and school bus  
4021 drivers to remove disobedient, disrespectful, violent, abusive,  
4022 uncontrollable, or disruptive students from the classroom and  
4023 the school bus and, when appropriate and available, place such  
4024 students in an alternative educational setting. The principal or  
4025 the principal's designee must give full consideration to ~~shall~~  
4026 ~~consider~~ the recommendation for discipline made by a teacher,  
4027 other member of the instructional staff, or a bus driver when  
4028 making a decision regarding student referral for discipline.

4029 Section 52. Section 1009.59, Florida Statutes, is amended  
4030 to read:

4031 1009.59 ~~Critical Teacher Shortage~~ Student Loan  
4032 ~~Reimbursement Forgiveness~~ Program.--

4033 (1) The ~~Critical Teacher Shortage~~ Student Loan  
4034 ~~Reimbursement Forgiveness~~ Program is established to encourage  
4035 qualified personnel with undergraduate or graduate degrees in  
4036 mathematics, science, engineering, reading, or State Board of  
4037 Education designated critical teacher shortage areas to seek  
4038 employment as teachers in Florida's publicly funded schools in  
4039 ~~subject areas in which critical teacher shortages exist, as~~  
4040 ~~identified annually by the State Board of Education.~~ The primary  
4041 purpose function of the program is to enhance the quality of  
4042 Florida's teacher workforce by making ~~make~~ repayments toward  
4043 loans received by the selected students from federal programs or  
4044 commercial lending institutions for the support of postsecondary

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4045 education study. Repayments are intended to be made to qualified  
4046 applicants with undergraduate or graduate degrees in  
4047 mathematics, science, engineering, reading, or State Board of  
4048 Education designated critical teacher shortage areas ~~who begin~~  
4049 ~~teaching for the first time in designated subject areas,~~ and who  
4050 apply during their first full year of teaching in a publicly  
4051 funded school in Florida as certified teachers in these subject  
4052 areas. Repayment shall be prorated if a teacher teaches at least  
4053 90 days during the first year of teaching.

4054 (2) From the funds available, the Department of Education  
4055 may make loan principal repayments on behalf of persons with  
4056 degrees in mathematics, science, engineering, reading, or state  
4057 board designated critical teacher shortage areas who are  
4058 certified to teach in Florida public schools. The repayments may  
4059 be made as follows:

4060 (a) Up to \$1,500 the first year the person is employed as  
4061 a teacher in a publicly funded school in Florida ~~\$2,500 a year~~  
4062 ~~for up to 4 years on behalf of selected graduates of state-~~  
4063 ~~approved undergraduate postsecondary teacher preparation~~  
4064 ~~programs, persons certified to teach pursuant to any applicable~~  
4065 ~~teacher certification requirements, or selected teacher~~  
4066 ~~preparation graduates from any state participating in the~~  
4067 ~~Interstate Agreement on the Qualification of Educational~~  
4068 ~~Personnel.~~

4069 (b) Up to \$2,500 for the second year the person is  
4070 employed as a teacher in a publicly funded school in Florida  
4071 ~~\$5,000 a year for up to 2 years on behalf of selected graduates~~  
4072 ~~of state-approved graduate postsecondary teacher preparation~~  
4073 ~~programs, persons with graduate degrees certified to teach~~

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4074 ~~pursuant to any applicable teacher certification requirements,~~  
4075 ~~or selected teacher preparation graduates from any state~~  
4076 ~~participating in the Interstate Agreement on the Qualification~~  
4077 ~~of Educational Personnel.~~

4078 (c) Up to \$3,500 for the third year the person is employed  
4079 as a teacher in a publicly funded school in Florida.

4080 (d) Up to \$4,500 for the fourth year and each subsequent  
4081 year, up to a maximum of 10 years, the person is employed as a  
4082 teacher in a publicly funded school in Florida.

4083 (e)(e) All repayments shall be contingent on continued  
4084 proof of satisfactory employment in a teacher position the  
4085 designated subject areas in a publicly funded school in this  
4086 state and shall be made directly to the holder of the loan or  
4087 the applicant. The state shall not bear responsibility for the  
4088 collection of any interest charges or other remaining balance.  
4089 ~~In the event that designated critical teacher shortage subject~~  
4090 ~~areas are changed by the State Board of Education,~~ A teacher  
4091 shall continue to be eligible for loan reimbursement in  
4092 accordance with paragraphs (a)-(d) for up to the maximum of 10  
4093 years if forgiveness as long as he or she continues to teach in  
4094 a subject area or in a critical shortage area pursuant to this  
4095 section at a publicly funded school in Florida in the subject  
4096 area for which the original loan repayment was made and  
4097 otherwise meets all conditions of eligibility.

4098 (3) Students receiving a state scholarship loan or a  
4099 fellowship loan are not eligible to participate in the ~~Critical~~  
4100 ~~Teacher Shortage Student Loan Reimbursement Forgiveness~~ Program.

4101 (4) The Department of Education must advertise the  
4102 availability of this program and must advise school districts,

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4103 postsecondary educational institutions, and the public of the  
4104 criteria and application procedures.

4105 (5)(4) The State Board of Education may adopt rules  
4106 pursuant to ss. 120.536(1) and 120.54 necessary for the  
4107 administration of this program.

4108 (6)(5) This section shall be implemented only to the  
4109 extent as specifically funded and authorized by law.

4110 Section 53. Section 1009.591, Florida Statutes, is created  
4111 to read:

4112 1009.591 Teaching Fellows Program.--There is created the  
4113 Teaching Fellows Program to encourage graduate students in  
4114 mathematics, science, or engineering disciplines or state board  
4115 designated critical teacher shortage areas to enter the teaching  
4116 profession in public schools in Florida. The program shall be  
4117 administered by the Department of Education.

4118 (1) The Teaching Fellows Program shall provide an annual  
4119 stipend of \$5,000 for each approved teaching fellow who is  
4120 enrolled full-time in one of Florida's public or private  
4121 universities in a graduate program in a mathematics, science, or  
4122 engineering discipline or a state board designated critical  
4123 teacher shortage area and commits to teach in a publicly funded  
4124 school in Florida for 5 consecutive years immediately following  
4125 completion of the graduate program.

4126 (2) It is the intent of the Legislature that the total  
4127 amount appropriated annually for the program be sufficient to  
4128 provide 200 teaching fellows with stipends of \$5,000 per year  
4129 and to provide a \$5,000 signing bonus to each fellow upon  
4130 initial employment as a teacher in a Florida public school  
4131 graded "A," "B," or "C," or a \$10,000 signing bonus upon

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4132 employment in a Florida public school graded "D" or "F" with  
4133 \$5,000 at initial employment and \$5,000 upon completion of the  
4134 first year of teaching.

4135 (3) A teaching fellow may receive a stipend from the  
4136 program for up to 4 consecutive years if the teaching fellow  
4137 remains enrolled full-time in an eligible program and makes  
4138 satisfactory progress toward a graduate degree in a program in a  
4139 mathematics, science, or engineering discipline or a state board  
4140 designated critical teacher shortage area.

4141 (4) A teaching fellow who receives a stipend pursuant to  
4142 this section and attends a state university shall also receive a  
4143 waiver of tuition and out-of-state fees, if applicable, at that  
4144 university.

4145 (5) If a teaching fellow graduates and is employed  
4146 following graduation as a teacher in a publicly funded school in  
4147 Florida for 5 consecutive years, the teaching fellow is not  
4148 required to repay the amount received as stipends, bonus, or  
4149 tuition and fee waivers pursuant to this program.

4150 (6) If a teaching fellow does not obtain a graduate degree  
4151 within 4 years, or if the teaching fellow graduates but does not  
4152 teach in a publicly funded school in Florida for 5 consecutive  
4153 years following graduation, the teaching fellow must repay the  
4154 Department of Education, on a schedule to be determined by the  
4155 department, the total amount awarded for stipends, bonus, and  
4156 tuition and fee waivers received pursuant to this program plus  
4157 annual interest of 8 percent accruing from the date of the  
4158 scholarship payment. Moneys repaid shall be deposited into the  
4159 State Student Financial Assistance Trust Fund established in s.  
4160 1010.73. However, the department may provide additional time for

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4161 repayment if the department finds that circumstances beyond the  
4162 control of the recipient caused or contributed to default on the  
4163 repayment.

4164 (7) Recipients under this program are not eligible to  
4165 participate in the Teacher Student Loan Reimbursement Program.

4166 (8) The department must advertise the availability of this  
4167 program and advise school districts, postsecondary educational  
4168 institutions, and the public of the criteria and application  
4169 procedures.

4170 (9) The State Board of Education may adopt rules pursuant  
4171 to ss. 120.536(1) and 120.54 necessary for the administration of  
4172 this program.

4173 (10) This section shall be implemented only to the extent  
4174 as specifically funded and authorized by law.

4175 Section 54. Section 1011.63, Florida Statutes, is created  
4176 to read:

4177 1011.63 Better educated students and teachers (BEST)  
4178 Florida teaching categorical fund for salary career ladder;  
4179 performance pay reserve fund bonuses.--

4180 (1) There is created a categorical fund to fund a salary  
4181 career ladder for teacher salary levels pursuant to s.  
4182 1012.231(2). To access this fund, school districts must first  
4183 comply with the requirements of s. 1003.03(2) and (3) and also  
4184 comply with the requirements of s. 1012.22(1)(c)4. by rewarding  
4185 each of their classroom teachers in the "career teacher"  
4186 category, pursuant to s. 1012.231(2)(b), whose students  
4187 demonstrate more than a year's worth of learning in 1 year as  
4188 measured by the FCAT or local assessment in accordance with s.

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4189 1008.22(3) or (7) with an annual performance bonus pursuant to  
4190 paragraph (2)(b).

4191 (2)(a) Beginning with the 2003-2004 academic year,  
4192 categorical funds for BEST Florida teaching shall be allocated  
4193 annually to each school district based on each school district's  
4194 proportionate share of full-time K-12 classroom teachers. These  
4195 funds shall be in addition to the funds appropriated on the  
4196 basis of full-time equivalent student membership in the Florida  
4197 Education Finance Program and shall be included in the total  
4198 potential funds of each school district. These funds shall be  
4199 used only to fund a salary career ladder for teacher salary  
4200 levels pursuant to s. 1012.231(2).

4201 (b) Each district school board shall also use a portion of  
4202 its performance pay reserve funds required pursuant to s.  
4203 1012.22(1)(c)4. to provide BEST Florida teaching bonuses of up  
4204 to \$3,000 to each full-time K-12 classroom teacher in the  
4205 "career teacher" category, pursuant to s. 1012.231(2)(b), whose  
4206 students demonstrate more than a year's worth of learning in 1  
4207 year as measured by the FCAT or local assessment in accordance  
4208 with s. 1008.22(3) or (7).

4209 (3) A school district that has satisfied the requirements  
4210 of subsections (1) and (2) and the requirements of s. 1003.03(2)  
4211 and (3) may use the funds for any lawful operating expenditure;  
4212 however, priority should be given to increasing the salary of  
4213 career teachers as defined in s. 1012.231(2)(b).

4214 (4) To be eligible for categorical funds, each district  
4215 school superintendent shall submit to the Commissioner of  
4216 Education, and receive the commissioner's approval of:

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4217 (a) A plan detailing the school district's salary career  
4218 ladder for teacher salary levels.

4219 (b) A plan detailing the school district's methodology for  
4220 selecting the teachers in the "career teacher" category,  
4221 pursuant to s. 1012.231(2)(b), who will receive the performance  
4222 bonuses and how it will use a portion of its performance pay  
4223 reserve funds required by s. 1012.22(1)(c)4. to fund the  
4224 bonuses.

4225 (5) Any teacher in the "career teacher" category, pursuant  
4226 to s. 1012.231(2)(b), who receives a performance bonus 2 years  
4227 in a 4-year period shall be considered for promotion to "lead  
4228 teacher" pursuant to s. 1012.231(2)(c).

4229 Section 55. Section 1012.05, Florida Statutes, is amended  
4230 to read:

4231 1012.05 Teacher recruitment and retention.--

4232 (1) The Department of Education, in cooperation with  
4233 teacher organizations, district personnel offices, and schools,  
4234 colleges, and departments of all education~~in~~ public and  
4235 nonpublic postsecondary educational institutions, shall  
4236 concentrate on the recruitment of qualified teachers.

4237 (2) The Department of Education shall:

4238 (a) Develop and implement a system for posting teaching  
4239 vacancies and establish a database of teacher applicants that is  
4240 accessible within and outside the state.

4241 (b) Advertise in major newspapers, national professional  
4242 publications, and other professional publications and in public  
4243 and nonpublic postsecondary educational institutions ~~schools of~~  
4244 ~~education.~~

4245 (c) Utilize state and nationwide toll-free numbers.

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- 4246 (d) Conduct periodic communications with district  
4247 personnel directors regarding applicants.
- 4248 (e) Provide district access to the applicant database by  
4249 computer or telephone.
- 4250 (f) Develop and distribute promotional materials related  
4251 to teaching as a career.
- 4252 (g) Publish and distribute information pertaining to  
4253 employment opportunities, application procedures, and all routes  
4254 toward teacher certification in Florida, and teacher salaries.
- 4255 (h) Provide information related to certification  
4256 procedures.
- 4257 (i) Develop and sponsor the Florida Future Educator of  
4258 America Program throughout the state.
- 4259 (j) Develop, in consultation with school district staff  
4260 including, but not limited to, district school superintendents,  
4261 district school board members, and district human resources  
4262 personnel, a long-range plan for educator recruitment and  
4263 retention.
- 4264 (k) Identify best practices for retaining high-quality  
4265 teachers.
- 4266 (l) Develop, in consultation with Workforce Florida, Inc.,  
4267 and the Agency for Workforce Innovation, created pursuant to ss.  
4268 445.004 and 20.50, respectively, a plan for accessing and  
4269 identifying available resources in the state's workforce system  
4270 for the purpose of enhancing teacher recruitment and retention.
- 4271 (m) Develop and implement a First Response Center to  
4272 provide educator candidates one-stop shopping for information on  
4273 teaching careers in Florida and establish the Teacher Lifeline

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4274 Network to provide on-line support to beginning teachers and  
4275 those needing assistance.

4276 (3) The Department of Education, in cooperation with  
4277 district personnel offices, shall sponsor a job fair in a  
4278 central part of the state to match in-state educators and  
4279 potential educators and out-of-state educators and potential  
4280 educators with teaching opportunities in this state.

4281 (4) Subject to proviso in the General Appropriations Act,  
4282 the Commissioner of Education may use funds appropriated by the  
4283 Legislature and funds from federal grants and other sources to  
4284 provide incentives for teacher recruitment and preparation  
4285 programs. The purpose of the use of such funds is to recruit and  
4286 prepare individuals who do not graduate from state-approved  
4287 teacher preparation programs to teach in a Florida public  
4288 school. The commissioner may contract with entities other than,  
4289 and including, approved teacher preparation programs to provide  
4290 intensive teacher training leading to passage of the required  
4291 certification exams for the desired subject area or coverage.  
4292 The commissioner shall survey school districts to evaluate the  
4293 effectiveness of such programs.

4294 Section 56. Section 1012.231, Florida Statutes, is created  
4295 to read:

4296 1012.231 Teacher compensation; assignment of teachers.--

4297 (1) MINIMUM SALARY.--Beginning with the 2003-2004 academic  
4298 year, each district school board shall develop, and shall  
4299 present to the State Board of Education by June 30, 2004, a  
4300 plan, to be implemented beginning with the 2004-2005 academic  
4301 year, for minimum compensation of full-time classroom teachers  
4302 at no less than the amount of \$31,000, in 2003 dollars, indexed

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4303 to the Consumer Price Index thereafter, pursuant to legislative  
4304 appropriations. The plan shall provide for phased-in incremental  
4305 implementation that maintains separation between years of  
4306 service for each differentiated classroom teacher category as  
4307 required pursuant to subsection (2). Beginning with the 2004-  
4308 2005 academic year, this minimum beginning salary shall be  
4309 considered a statewide minimum standard similar to minimum  
4310 number of school days, designation of duties of instructional  
4311 personnel, and minimum certification standards and, as such,  
4312 shall not be subject to collective bargaining under chapter 447.

4313 (2) SALARY CAREER LADDER FOR CLASSROOM

4314 TEACHERS.--Beginning with the 2003-2004 academic year, each  
4315 district school board shall use its share of the BEST Florida  
4316 teaching categorical to fund a salary career ladder for  
4317 classroom teachers, with the highest salary level based on  
4318 outstanding performance and assignment of additional duties.  
4319 Performance shall be defined as designated in s.  
4320 1012.34(3)(a)1.-7. and shall also include local assessments as  
4321 required by s. 1008.22(7) to determine student learning gains in  
4322 grades and classes not measured by the FCAT. District school  
4323 boards shall designate categories of classroom teachers  
4324 reflecting these salary career levels as follows:

4325 (a) Associate Teacher.--Classroom teachers who have not  
4326 yet fully validated all essential teaching competencies,  
4327 including the educator-accomplished practices as established in  
4328 State Board of Education rule, who have not qualified through  
4329 reciprocal certification options identified in s. 1012.56, or  
4330 who are low-performing teachers. The district school board is

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4331 authorized to demote any chronically low-performing teacher to  
4332 associate teacher.

4333 (b) Career Teacher.--Classroom teachers who have fully  
4334 validated all essential teaching competencies, including the  
4335 educator-accomplished practices as established in State Board of  
4336 Education rule, or who have qualified through reciprocal  
4337 certification options identified in s. 1012.56.

4338 (c) Lead Teacher.--The highest performing 5 percent of  
4339 classroom teachers in the school district, after mentor  
4340 teachers, who have demonstrated outstanding performance as  
4341 evidenced by improved student achievement and who are  
4342 responsible for leading others in the school as department  
4343 chair, lead teacher, grade-level leader, intern coordinator, or  
4344 professional development coordinator. Lead teachers must  
4345 participate on a regular basis in the direct instruction of  
4346 students and serve as faculty for professional development  
4347 activities as determined by the State Board of Education. Lead  
4348 teachers shall be paid an additional annual salary of \$5,000.

4349 (d) Mentor Teacher.--The highest performing 3 percent of  
4350 classroom teachers in the school district who have demonstrated  
4351 sustained outstanding performance as evidenced by improved  
4352 student achievement and other factors as defined by the State  
4353 Board of Education and who serve as regular mentors to other  
4354 teachers who are either not performing satisfactorily or who  
4355 strive to become more proficient. Mentor teachers must serve as  
4356 faculty-based professional development coordinators and  
4357 regularly demonstrate and share their expertise with other  
4358 teachers in order to remain mentor teachers. Mentor teachers  
4359 must also participate on a regular basis in the direct

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4360 instruction of low-performing students. Mentor teachers shall be  
4361 paid an additional annual salary of \$10,000.

4362 (3) TEACHER ASSIGNMENT.--School districts may not assign a  
4363 higher percentage than the school district average of first-time  
4364 teachers, temporarily certified teachers, teachers in need of  
4365 improvement, or out-of-field teachers to schools with above the  
4366 school district average of minority and economically  
4367 disadvantaged students or schools that are graded "D" or "F."  
4368 District school boards are authorized to provide salary  
4369 incentives to meet this requirement. No district school board  
4370 shall sign a collective bargaining agreement that fails to  
4371 provide sufficient incentives to meet this requirement.

4372 Section 57. Section 1012.27, Florida Statutes, is amended  
4373 to read:

4374 1012.27 Public school personnel; powers and duties of  
4375 district school superintendent.--The district school  
4376 superintendent is shall be responsible, ~~as required herein,~~ for  
4377 directing the work of the personnel, subject to the requirements  
4378 of this chapter, and in addition the district school  
4379 superintendent shall perform ~~have~~ the following duties:

4380 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

4381 (a) Recommend to the district school board duties and  
4382 responsibilities which need to be performed and positions which  
4383 need to be filled to make possible the development of an  
4384 adequate school program in the district. Beginning with the  
4385 2003-2004 academic year, this recommendation shall provide for  
4386 clerical personnel or volunteers who are not classroom teachers  
4387 to assist teachers in noninstructional activities, including  
4388 performing paperwork and recordkeeping duties. However, a

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4389 teacher shall remain responsible for all instructional  
4390 activities and for classroom management and grading student  
4391 performance.

4392 (b) Recommend minimum qualifications of personnel for  
4393 these various positions, and nominate in writing persons to fill  
4394 such positions.

4395

4396 The district school superintendent's recommendations for filling  
4397 instructional positions at the school level must consider  
4398 nominations received from school principals of the respective  
4399 schools. Before transferring a teacher who holds a professional  
4400 teaching certificate from one school to another, the district  
4401 school superintendent shall consult with the principal of the  
4402 receiving school and allow the principal to review the teacher's  
4403 records and interview the teacher. If, in the judgment of the  
4404 principal, students would not benefit from the placement, an  
4405 alternative placement may be sought.

4406 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
4407 recommend to the district school board for adoption a salary  
4408 schedule or salary schedules. The district school superintendent  
4409 must recommend a salary schedule for instructional personnel  
4410 which bases a portion of each employee's compensation on  
4411 performance demonstrated under s. 1012.34. In developing the  
4412 recommended salary schedule, the district school superintendent  
4413 shall include input from parents, teachers, and representatives  
4414 of the business community. Beginning with the 2003-2004 academic  
4415 year, the recommended salary schedule for classroom teachers  
4416 shall be consistent with the requirements of s. 1012.231.

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4417 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the  
4418 district school board terms for contracting with employees and  
4419 prepare such contracts as are approved.

4420 (4) TRANSFER.--Recommend employees for transfer and  
4421 transfer any employee during any emergency and report the  
4422 transfer to the district school board at its next regular  
4423 meeting.

4424 (5) SUSPENSION AND DISMISSAL.--Suspend members of the  
4425 instructional staff and other school employees during  
4426 emergencies for a period extending to and including the day of  
4427 the next regular or special meeting of the district school board  
4428 and notify the district school board immediately of such  
4429 suspension. When authorized to do so, serve notice on the  
4430 suspended member of the instructional staff of charges made  
4431 against him or her and of the date of hearing. Recommend  
4432 employees for dismissal under the terms prescribed herein.

4433 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE  
4434 INSTRUCTION.--Direct or arrange for the proper direction and  
4435 improvement, under rules of the district school board, of the  
4436 work of all members of the instructional staff and other  
4437 employees of the district school system, supervise or arrange  
4438 under rules of the district school board for the supervision of  
4439 instruction in the district, and take such steps as are  
4440 necessary to bring about continuous improvement.

4441 Section 58. Subsections (3) and (4) of section 1012.28,  
4442 Florida Statutes, are amended to read:

4443 1012.28 Public school personnel; duties of school  
4444 principals.--

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4445 (3) Each school principal is responsible for the  
4446 performance of all personnel employed by the district school  
4447 board and assigned to the school to which the principal is  
4448 assigned. The school principal shall faithfully and effectively  
4449 apply the personnel assessment system approved by the district  
4450 school board pursuant to s. 1012.34 and, beginning with the  
4451 2003-2004 academic year, s. 1012.231.

4452 (4) Each school principal shall assist the teachers within  
4453 the school to use student assessment data, as measured by  
4454 student learning gains pursuant to s. 1008.22, for self-  
4455 evaluation. Each school principal shall also ensure that  
4456 clerical personnel or volunteers who are not classroom teachers  
4457 assist teachers in noninstructional activities, including  
4458 performing paperwork and recordkeeping duties.

4459 Section 59. Paragraph (a) of subsection (1), subsection  
4460 (2), and paragraph (a) of subsection (3) of section 1012.585,  
4461 Florida Statutes, are amended to read:

4462 1012.585 Process for renewal of professional  
4463 certificates.--

4464 (1)(a) District school boards ~~in this state~~ shall renew  
4465 state-issued professional certificates as follows:

4466 1. Each district school board shall renew state-issued  
4467 professional certificates for individuals who hold a state-  
4468 issued professional certificate ~~by this state~~ and are employed  
4469 by that district pursuant to criteria established in subsections  
4470 (2), (3), and (4) and rules of the State Board of Education.

4471 2. The employing school district may charge the individual  
4472 an application fee not to exceed the amount charged by the  
4473 Department of Education for such services, including associated

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4474 late renewal fees. Each district school board shall transmit  
4475 monthly to the department a fee in an amount established by the  
4476 State Board of Education for each renewed certificate. The fee  
4477 shall not exceed the actual cost for maintenance and operation  
4478 of the statewide certification database and for the actual costs  
4479 incurred in printing and mailing such renewed certificates. As  
4480 defined in current rules of the state board, the department  
4481 shall contribute a portion of such fee for purposes of funding  
4482 the Educator Recovery Network established in s. 1012.798. The  
4483 department shall deposit all funds into the Educational  
4484 Certification Trust Fund for use as specified in s. 1012.59.

4485 (2)(a) All professional certificates, except a  
4486 nonrenewable professional certificate, shall be renewable for  
4487 successive periods not to exceed 5 years after the date of  
4488 submission of documentation of completion of the requirements  
4489 for renewal provided in subsection (3). Only one renewal may be  
4490 granted during each 5-year validity period of a professional  
4491 certificate.

4492 (b) A teacher with national certification from the  
4493 National Board for Professional Teaching Standards is deemed to  
4494 meet state renewal requirements for the life of the teacher's  
4495 national certificate in the subject shown on the national  
4496 certificate. A complete renewal application and fee shall be  
4497 submitted. The Commissioner of Education shall notify teachers  
4498 of the renewal application and fee requirements.

4499 (c) As authorized by State Board of Education rule, a  
4500 teacher with a valid certificate issued by the American Board  
4501 for Certification of Teacher Excellence is deemed to meet state  
4502 renewal requirements for the life of the teacher's American

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4503 Board certificate in the subject shown on the American Board  
4504 certificate. A complete renewal application and fee shall be  
4505 submitted.

4506 ~~(d)~~(e) If the renewal application form is not received by  
4507 the department or by the employing school district before the  
4508 expiration of the professional certificate, the application  
4509 form, application fee, and a late fee must be submitted before  
4510 July 1 of the year following expiration of the certificate in  
4511 order to renew the professional certificate.

4512 ~~(e)~~(d) The State Board of Education shall adopt rules to  
4513 allow a 1-year extension of the validity period of a  
4514 professional certificate in the event of serious illness,  
4515 injury, or other extraordinary extenuating circumstances of the  
4516 applicant. The department shall grant such 1-year extension upon  
4517 written request by the applicant or by the district school  
4518 superintendent or the governing authority of a university lab  
4519 school, state-supported school, or private school that employs  
4520 the applicant.

4521 (3) For the renewal of a professional certificate, the  
4522 following requirements must be met:

4523 (a) The applicant must earn a minimum of 6 college credits  
4524 or 120 inservice points or a combination thereof. For each area  
4525 of specialization to be retained on a certificate, the applicant  
4526 must earn at least 3 of the required credit hours or equivalent  
4527 inservice points in the specialization area. Education in  
4528 "clinical educator" training pursuant to s. 1004.04(6)(b)  
4529 ~~1004.04(5)(b)~~ and credits or points that provide training in the  
4530 area of scientifically researched, knowledge-based reading  
4531 literacy and computational skills acquisition, exceptional

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4532 student education, normal child development, and the disorders  
4533 of development may be applied toward any specialization area.  
4534 Credits or points that provide training in the areas of drug  
4535 abuse, child abuse and neglect, strategies in teaching students  
4536 having limited proficiency in English, or dropout prevention, or  
4537 training in areas identified in the educational goals and  
4538 performance standards adopted pursuant to ss. 1000.03(5) and  
4539 1001.23 may be applied toward any specialization area. Credits  
4540 or points earned through approved summer institutes may be  
4541 applied toward the fulfillment of these requirements. Inservice  
4542 points may also be earned by participation in professional  
4543 growth components approved by the State Board of Education and  
4544 specified pursuant to s. 1012.98 in the district's approved  
4545 master plan for inservice educational training, including, but  
4546 not limited to, serving as a trainer in an approved teacher  
4547 training activity, serving on an instructional materials  
4548 committee or a state board or commission that deals with  
4549 educational issues, or serving on an advisory council created  
4550 pursuant to s. 1001.452.

4551 Section 60. Section 1012.586, Florida Statutes, is created  
4552 to read:

4553 1012.586 Additions or changes to certificates; duplicate  
4554 certificates.--A school district may process via a Department of  
4555 Education website certificates for the following applications of  
4556 public school employees:

4557 (1) Addition of a subject coverage or endorsement to a  
4558 valid Florida certificate on the basis of the completion of the  
4559 appropriate subject area testing requirements of s.  
4560 1012.56(4)(a) or the completion of the requirements of an

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4561 approved school district program or the inservice components for  
4562 an endorsement.

4563 (2) A reissued certificate to reflect a name change.

4564 (3) A duplicate certificate to replace a lost or damaged  
4565 certificate.

4566

4567 The employing school district shall charge the employee a fee  
4568 not to exceed the amount charged by the Department of Education  
4569 for such services. Each district school board shall retain a  
4570 portion of the fee as defined in the rules of the State Board of  
4571 Education. The portion sent to the department shall be used for  
4572 maintenance of the technology system, the web application, and  
4573 posting and mailing of the certificate.

4574 Section 61. Subsections (1) and (2) and paragraph (a) of  
4575 subsection (3) of section 1012.72, Florida Statutes, are amended  
4576 to read:

4577 1012.72 Dale Hickam Excellent Teaching Program.--

4578 (1) The Legislature recognizes that teachers play a  
4579 critical role in preparing students to achieve the high levels  
4580 of academic performance expected by the Sunshine State Standards  
4581 ~~and. The Legislature further recognizes the importance of~~  
4582 ~~identifying and rewarding teaching excellence and of encouraging~~  
4583 ~~good teachers to become excellent teachers. The Legislature~~  
4584 ~~finds that the National Board of Professional Teaching Standards~~  
4585 ~~(NBPTS) has established high and rigorous standards for~~  
4586 ~~accomplished teaching and has developed a national voluntary~~  
4587 ~~system for assessing and certifying teachers who demonstrate~~  
4588 ~~teaching excellence by meeting those standards. It is therefore~~  
4589 the Legislature's intent to provide incentives for teachers to

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4590 seek national NBPTS certification and to reward teachers who  
4591 demonstrate teaching excellence by attaining national NBPTS  
4592 certification and sharing their expertise with students and  
4593 other teachers. Contingent upon approval by the State Board of  
4594 Education, the incentives and privileges extended to the  
4595 National Board for Professional Teaching Standards (NBPTS) and  
4596 to a teacher who holds a valid certificate issued by the NBPTS  
4597 shall be extended to the American Board for Certification of  
4598 Teacher Excellence (ABCTE) and to a teacher who holds a valid  
4599 Master Teacher Certificate issued by the ABCTE.

4600 (2) The Dale Hickam Excellent Teaching Program is created  
4601 to provide categorical funding for monetary incentives and  
4602 bonuses for teaching excellence. The Department of Education  
4603 shall distribute to each school district or to the NBPTS, or to  
4604 the ABCTE if approved by the State Board of Education, an amount  
4605 as prescribed annually by the Legislature for the Dale Hickam  
4606 Excellent Teaching Program. For purposes of this section, the  
4607 Florida School for the Deaf and the Blind shall be considered a  
4608 school district. Unless otherwise provided in the General  
4609 Appropriations Act, each distribution shall be the sum of the  
4610 amounts earned for the following incentives and bonuses:

4611 (a) A fee subsidy to be paid by the Department of  
4612 Education to the NBPTS, or to the ABCTE if approved by the State  
4613 Board of Education, on behalf of each individual who is an  
4614 employee of a district school board or a public school within  
4615 the school district, who is certified by the district to have  
4616 demonstrated satisfactory teaching performance pursuant to s.  
4617 1012.34 and who satisfies the prerequisites for participating in  
4618 the NBPTS certification program, or the ABCTE master teacher

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4619 certification program if approved by the State Board of  
4620 Education, and who agrees, in writing, to pay 10 percent of the  
4621 NBPTS or ABCTE participation fee and to participate in the NBPTS  
4622 certification program, or the ABCTE master teacher certification  
4623 program if approved by the State Board of Education, during the  
4624 school year for which the fee subsidy is provided. The fee  
4625 subsidy for each eligible participant shall be an amount equal  
4626 to 90 percent of the fee charged for participating in the ~~NBPTS~~  
4627 certification program. The fee subsidy is a one-time award and  
4628 may not be duplicated for any individual.

4629 (b) A portfolio-preparation incentive of \$150 paid by the  
4630 Department of Education to each teacher employed by a district  
4631 school board or a public school within a school district who is  
4632 participating in the NBPTS certification program, or the ABCTE  
4633 master teacher certification program if approved by the State  
4634 Board of Education. The portfolio-preparation incentive is a  
4635 one-time award paid during the school year for which the ~~NBPTS~~  
4636 fee subsidy is provided.

4637 (c) An annual bonus equal to 10 percent of the prior  
4638 fiscal year's statewide average salary for classroom teachers to  
4639 be distributed to the school district to be paid to each  
4640 individual who holds NBPTS certification, or ABCTE master  
4641 teacher certification if approved by the State Board of  
4642 Education, and is employed by the district school board or by a  
4643 public school within the school district. The district school  
4644 board shall distribute the annual bonus to each individual who  
4645 meets the requirements of this paragraph and who is certified  
4646 annually by the district to have demonstrated satisfactory  
4647 teaching performance pursuant to s. 1012.34. The annual bonus

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4648 may be paid as a single payment or divided into not more than  
4649 three payments.

4650 (d) An annual bonus equal to 10 percent of the prior  
4651 fiscal year's statewide average salary for classroom teachers to  
4652 be distributed to the school district to be paid to each  
4653 individual who meets the requirements of paragraph (c) and  
4654 agrees, in writing, to provide the equivalent of 12 workdays of  
4655 mentoring and related services to beginning public school  
4656 teachers or teachers in low-performing schools within the state  
4657 who do not hold NBPTS certification or ABCTE certification if  
4658 approved by the State Board of Education. The district school  
4659 board shall distribute the annual bonus in a single payment  
4660 following the completion of all required mentoring and related  
4661 services for the year. It is not the intent of the Legislature  
4662 to remove excellent teachers from their assigned classrooms;  
4663 therefore, credit may not be granted by a school district or  
4664 public school for mentoring or related services provided during  
4665 student contact time during the 196 days of required service for  
4666 the school year.

4667  
4668 Beginning with the 2003-2004 academic year, annual bonuses  
4669 pursuant to this section shall be limited to teachers who  
4670 demonstrate outstanding student performance in accordance with  
4671 s. 1012.34(3)(a)1.-7. and who also demonstrate significant  
4672 successful efforts in mentoring other teachers, including  
4673 beginning teachers or those in need of assistance. A teacher for  
4674 whom the state pays the certification fee and who does not  
4675 complete the certification program or does not teach in a public  
4676 school of this state for at least 1 year after completing the

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4677 certification program must repay the amount of the certification  
4678 fee to the state. However, a teacher who completes the  
4679 certification program but fails to be awarded NBPTS  
4680 certification, or ABCTE master teacher certification if approved  
4681 by the State Board of Education, is not required to repay the  
4682 amount of the certification fee if the teacher meets the 1-year  
4683 teaching requirement. Repayment is not required of a teacher who  
4684 does not complete the certification program or fails to fulfill  
4685 the teaching requirement because of the teacher's death or  
4686 disability or because of other extenuating circumstances as  
4687 determined by the State Board of Education.

4688 (3)(a) In addition to any other remedy available under the  
4689 law, any person who is a recipient of a certification fee  
4690 subsidy paid to the NBPTS, or the ABCTE if approved by the State  
4691 Board of Education, and who is an employee of the state or any  
4692 of its political subdivisions is considered to have consented,  
4693 as a condition of employment, to the voluntary or involuntary  
4694 withholding of wages to repay to the state the amount of such a  
4695 certification fee subsidy awarded under this section. Any such  
4696 employee who defaults on the repayment of such a certification  
4697 fee subsidy must, within 60 days after service of a notice of  
4698 default by the Department of Education to the employee,  
4699 establish a repayment schedule which must be agreed to by the  
4700 department and the employee, for repaying the defaulted sum  
4701 through payroll deductions. The department may not require the  
4702 employee to pay more than 10 percent of the employee's pay per  
4703 pay period under such a repayment schedule or plan. If the  
4704 employee fails to establish a repayment schedule within the  
4705 specified period of time or fails to meet the terms and

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4706 conditions of the agreed upon or approved repayment schedule as  
4707 authorized by this subsection, the employee has breached an  
4708 essential condition of employment and is considered to have  
4709 consented to the involuntary withholding of wages or salary for  
4710 the repayment of the certification fee subsidy.

4711 Section 62. Section 1012.73, Florida Statutes, is  
4712 repealed.

4713 Section 63. Subsection (2), paragraph (b) of subsection  
4714 (3), and subsections (5) through (11) of section 1012.98,  
4715 Florida Statutes, are amended to read:

4716 1012.98 School Community Professional Development Act.--

4717 (2) The school community includes students and parents,  
4718 administrative personnel, managers, instructional personnel,  
4719 support personnel, members of district school boards, members of  
4720 school advisory councils, ~~parents,~~ business partners, and  
4721 personnel that provide health and social services to students  
4722 ~~school children. School districts may identify and include~~  
4723 ~~additional members of the school community in the professional~~  
4724 ~~development activities required by this section.~~

4725 (3) The activities designed to implement this section  
4726 must:

4727 (b) Assist the school community in providing stimulating,  
4728 scientifically research-based educational activities that  
4729 encourage and motivate students to achieve at the highest levels  
4730 and to become active learners.

4731 ~~(5)(a) The Department of Education shall provide a system~~  
4732 ~~for the recruitment, preparation, and professional development~~  
4733 ~~of school administrative personnel. This system shall:~~

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4734 ~~1. Identify the knowledge, competencies, and skills~~  
4735 ~~necessary for effective school management and instructional~~  
4736 ~~leadership that align with student performance standards and~~  
4737 ~~accountability measures.~~

4738 ~~2. Include performance evaluation methods.~~

4739 ~~3. Provide for alternate means for preparation of school~~  
4740 ~~administrative personnel which may include programs designed by~~  
4741 ~~school districts and postsecondary educational institutions~~  
4742 ~~pursuant to guidelines developed by the commissioner. Such~~  
4743 ~~preparation programs shall be approved by the Department of~~  
4744 ~~Education.~~

4745 ~~4. Provide for the hiring of qualified out-of-state school~~  
4746 ~~administrative personnel.~~

4747 ~~5. Provide advanced educational opportunities for school-~~  
4748 ~~based instructional leaders.~~

4749 ~~(b) The Commissioner of Education shall appoint a task~~  
4750 ~~force that includes a district school superintendent, a district~~  
4751 ~~school board member, a principal, an assistant principal, a~~  
4752 ~~teacher, a dean of a college of education, and parents. The task~~  
4753 ~~force shall convene periodically to provide recommendations to~~  
4754 ~~the department in the areas of recruitment, certification,~~  
4755 ~~preparation, professional development, and evaluation of school~~  
4756 ~~administrators.~~

4757 ~~(5)(6)~~ Each district school board shall provide funding  
4758 for the professional development system as required by s.  
4759 1011.62 and the General Appropriations Act, and shall direct  
4760 expenditures from other funding sources to strengthen the system  
4761 and make it uniform and coherent. A school district may  
4762 coordinate its professional development program with that of

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4763 another district, with an educational consortium, or with a  
4764 community college or university, especially in preparing and  
4765 educating personnel. Each district school board shall make  
4766 available inservice activities to instructional personnel of  
4767 nonpublic schools in the district and the state certified  
4768 teachers who are not employed by the district school board on a  
4769 fee basis not to exceed the cost of the activity per all  
4770 participants.

4771 ~~(6)~~<sup>(7)</sup> An organization of private schools which has no  
4772 fewer than 10 member schools in this state, which publishes and  
4773 files with the Department of Education copies of its standards,  
4774 and the member schools of which comply with the provisions of  
4775 part II of chapter 1003, relating to compulsory school  
4776 attendance, may also develop a professional development system  
4777 that includes a master plan for inservice activities. The system  
4778 and inservice plan must be submitted to the commissioner for  
4779 approval pursuant to rules of the State Board of Education.

4780 ~~(7)~~<sup>(8)</sup> The Department of Education shall design methods by  
4781 which the state and district school boards may evaluate and  
4782 improve the professional development system. The evaluation must  
4783 include an annual assessment of data that indicate progress or  
4784 lack of progress of all students. If the review of the data  
4785 indicates progress, the department shall identify the best  
4786 practices that contributed to the progress. If the review of the  
4787 data indicates a lack of progress, the department shall  
4788 investigate the causes of the lack of progress, provide  
4789 technical assistance, and require the school district to employ  
4790 a different approach to professional development. The department  
4791 shall report annually to the State Board of Education and the

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4792 Legislature any school district that, in the determination of  
4793 the department, has failed to provide an adequate professional  
4794 development system. This report must include the results of the  
4795 department's investigation and of any intervention provided.

4796 ~~(8)(9)~~ The State Board of Education may adopt rules  
4797 pursuant to ss. 120.536(1) and 120.54 to administer this  
4798 section.

4799 ~~(9)(10)~~ This section does not limit or discourage a  
4800 district school board from contracting with independent entities  
4801 for professional development services and inservice education if  
4802 the district school board can demonstrate to the Commissioner of  
4803 Education believes that, through such a contract, a better  
4804 product can be acquired or its goals for education improvement  
4805 can be better met.

4806 ~~(10)(11)~~ For teachers, managers, and administrative  
4807 personnel who have been evaluated as less than satisfactory, a  
4808 district school board shall require participation in specific  
4809 professional development programs as part of the improvement  
4810 prescription.

4811 Section 64. Section 1012.987, Florida Statutes, is created  
4812 to read:

4813 1012.987 Education leadership development.--

4814 (1) The State Board of Education shall adopt rules through  
4815 which school principals may earn a principal leadership  
4816 designation based on teacher retention, overall student  
4817 performance, and school grade. The State Board of Education must  
4818 designate incentives available to personnel who earn a principal  
4819 leadership designation, including, but not limited to, merit  
4820 pay, expanded discretionary spending flexibility, relaxed

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4821 regulation or reporting requirements, additional professional  
4822 development resources, and public recognition.

4823 (2)(a) The Department of Education shall provide a system  
4824 for the recruitment, preparation, and education leadership  
4825 development of school administrative personnel. This system  
4826 shall be based on standards adopted by the State Board of  
4827 Education that include, but are not limited to:

4828 1. Improved student achievement.

4829 2. Increased emphasis on reading using the latest  
4830 scientific knowledge-based research in reading and the  
4831 administrator's role as a successful school leader in reading  
4832 reform efforts.

4833 3. Instructional leadership.

4834 4. Data analysis.

4835 5. School safety.

4836 6. Community and family involvement.

4837 7. Operational management.

4838 8. School finance.

4839 (b) Each education leadership development program must  
4840 provide all program participants full information on not less  
4841 than an annual basis to update the participants on the status  
4842 of, and rationale for changes to, state and federal law and  
4843 funding policies.

4844 (c) Education leadership development programs must be  
4845 consistent with standards adopted by the State Board of  
4846 Education and must be approved by the department.

4847 (d) Alternative education leadership development programs  
4848 that meet the standards of, and are approved by, the Department

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4849 of Education may be offered by a school district or  
4850 postsecondary educational institution.

4851 (e) The Commissioner of Education may conduct K-20  
4852 education leadership institutes for the purpose of communicating  
4853 the state's education priorities, best practices, and other  
4854 related research and facilitating the formation of a K-20  
4855 partnership.

4856 Section 65. Notwithstanding any provision of law to the  
4857 contrary, when a school is graded "F" or receives a second  
4858 consecutive grade of "D," the elected district school  
4859 superintendent, or if the district school superintendent is  
4860 appointed, the district school board, may request the  
4861 resignation of the school principal and teachers.

4862 Section 66. Each district school board shall review and  
4863 consider amending any collective bargaining contract that may  
4864 hinder the implementation of any provision of this act.

4865 Section 67. The Commissioner of Education shall conduct en  
4866 electronic mail or other survey of the classroom teachers in  
4867 each school district at the end of the 2003-2004 academic year  
4868 to determine whether the teachers received improved support from  
4869 their district school board, superintendent, and principal for  
4870 paperwork reduction and classroom discipline and shall use the  
4871 enforcement authority of s. 1008.32, Florida Statutes, as  
4872 appropriate, to ensure compliance with better educated students  
4873 and teachers (BEST) Florida teaching.

4874 Section 68. Paragraph (a) of subsection (22) of section  
4875 121.021, Florida Statutes, is amended to read:

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4876 121.021 Definitions.--The following words and phrases as  
4877 used in this chapter have the respective meanings set forth  
4878 unless a different meaning is plainly required by the context:

4879 (22) "Compensation" means the monthly salary paid a  
4880 member by his or her employer for work performed arising from  
4881 that employment.

4882 (a) Compensation shall include:

4883 1. Overtime payments paid from a salary fund.

4884 2. Accumulated annual leave payments.

4885 3. Payments in addition to the employee's base rate of  
4886 pay if all the following apply:

4887 a. The payments are paid according to a formal written  
4888 policy that applies to all eligible employees equally;

4889 b. The policy provides that payments shall commence no  
4890 later than the 11th year of employment;

4891 c. The payments are paid for as long as the employee  
4892 continues his or her employment; and

4893 d. The payments are paid at least annually.

4894 4. Amounts withheld for tax sheltered annuities or  
4895 deferred compensation programs, or any other type of salary  
4896 reduction plan authorized under the Internal Revenue Code.

4897 5. Payments made in lieu of a permanent increase in the  
4898 base rate of pay, whether made annually or in 12 or 26 equal  
4899 payments within a 12-month period, when the member's base pay  
4900 is at the maximum of his or her pay range. When a portion of a  
4901 member's annual increase raises his or her pay range and the  
4902 excess is paid as a lump sum payment, such lump sum payment  
4903 shall be compensation for retirement purposes.

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4904           6. Effective July 1, 2002, salary supplements made  
4905 pursuant to s. ss. 1012.73 and 1012.72 requiring a valid  
4906 ~~National Board for Professional Standards certificate or~~  
4907 ~~equivalent status as provided in s. 1012.73(3)(e)5.~~,  
4908 notwithstanding the provisions of subparagraph 3.

4909           Section 69. Paragraph (b) of subsection (1) of section  
4910 1013.35, Florida Statutes, is amended to read:

4911           1013.35 School district educational facilities plan;  
4912 definitions; preparation, adoption, and amendment; long-term  
4913 work programs.--

4914           (1) DEFINITIONS.--As used in this section, the term:

4915           (b) "District facilities work program" means the 5-year  
4916 listing of capital outlay projects adopted by the district  
4917 school board as provided in subparagraph (2)(a)2. and paragraph  
4918 (2)(b) as part of the district educational facilities plan,  
4919 which is required in order to:

4920           1. Properly maintain the educational plant and ancillary  
4921 facilities of the district.

4922           2. Provide an adequate number of satisfactory student  
4923 stations for the projected student enrollment of the district in  
4924 K-12 programs ~~in accordance with the goal in s. 1013.21.~~

4925           Section 70. Subsection (5) is added to section 1013.45,  
4926 Florida Statutes, to read:

4927           1013.45 Educational facilities contracting and  
4928 construction techniques.--

4929           (5) In order to ensure that the construction of new and  
4930 expanded educational facilities provides public school students  
4931 with the best long-term value for classrooms, a district school  
4932 board must consider, as part of the selection criteria for

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4933 awarding facility contracts, a life cycle cost analysis of  
4934 building materials when constructing or expanding school  
4935 capacity. The analysis shall include the annualized anticipated  
4936 energy consumption, the relative resistance of structural  
4937 components to damage by wind loads and associated debris, the  
4938 resistance of the structural components to wood-destroying  
4939 organisms, a comparison of the perpetual maintenance costs, the  
4940 resistance of the structural components to fire, and a  
4941 comparison of the annual costs of providing insurance. District  
4942 school boards may rely on the information provided by the  
4943 contractor if the contractor's analysis is based upon the best  
4944 currently available methods, including those of the National  
4945 Institute of Standards and Technology, the United States  
4946 Department of Housing and Urban Development, other federal or  
4947 state agencies, or technical or professional societies.

4948 Section 71. Subsection (1) of section 1013.62, Florida  
4949 Statutes, is amended to read:

4950 1013.62 Charter schools capital outlay funding.--

4951 (1) In each year in which funds are appropriated for  
4952 charter school capital outlay purposes, the Commissioner of  
4953 Education shall allocate the funds among eligible charter  
4954 schools. To be eligible for a funding allocation, a charter  
4955 school must meet the provisions of subsection (6), must have  
4956 received final approval from its sponsor pursuant to s. 1002.33  
4957 for operation during that fiscal year, and must serve students  
4958 in facilities that are not provided by the charter school's  
4959 sponsor. Prior to the release of capital outlay funds to a  
4960 school district on behalf of the charter school, the Department  
4961 of Education shall ensure that the district school board and the

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4962 charter school governing board enter into a written agreement  
4963 that includes provisions for the reversion of any unencumbered  
4964 funds and all equipment and property purchased with public  
4965 education funds to the ownership of the district school board,  
4966 as provided for in subsection (3), in the event that the school  
4967 terminates operations. Any funds recovered by the state shall be  
4968 deposited in the General Revenue Fund. A charter school is not  
4969 eligible for a funding allocation if it was created by the  
4970 conversion of a public school and operates in facilities  
4971 provided by the charter school's sponsor for a nominal fee or at  
4972 no charge or if it is directly or indirectly operated by the  
4973 school district. Unless otherwise provided in the General  
4974 Appropriations Act, the funding allocation for each eligible  
4975 charter school shall be determined by multiplying the school's  
4976 projected student enrollment by one-fifteenth of the cost-per-  
4977 student station specified in s. 1013.64(6)(b) for an elementary,  
4978 middle, or high school, as appropriate. If the funds  
4979 appropriated by the state are insufficient, a district school  
4980 board may allocate any state or federal dollars received by the  
4981 district school board to a charter school within the school  
4982 district for charter school capital outlay purposes ~~not~~  
4983 ~~sufficient, the commissioner shall prorate the available funds~~  
4984 ~~among eligible charter schools. Funds shall be distributed on~~  
4985 ~~the basis of the capital outlay full-time equivalent membership~~  
4986 ~~by grade level, which shall be calculated by averaging the~~  
4987 ~~results of the second and third enrollment surveys. The~~  
4988 Department of Education shall distribute capital outlay funds  
4989 monthly, beginning in the first quarter of the fiscal year,  
4990 based on one-twelfth of the amount the department reasonably

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4991 expects the charter school to receive during that fiscal year.  
4992 The commissioner shall adjust subsequent distributions as  
4993 necessary to reflect each charter school's actual student  
4994 enrollment as reflected in the second and third enrollment  
4995 surveys. The commissioner shall establish the intervals and  
4996 procedures for determining the projected and actual student  
4997 enrollment of eligible charter schools.

4998 Section 72. Paragraph (b) of subsection (1) of section  
4999 1009.531, Florida Statutes, is amended to read:

5000 1009.531 Florida Bright Futures Scholarship Program;  
5001 student eligibility requirements for initial awards.--

5002 (1) To be eligible for an initial award from any of the  
5003 three types of scholarships under the Florida Bright Futures  
5004 Scholarship Program, a student must:

5005 (b) Earn a standard Florida high school diploma or its  
5006 equivalent as described in s. 1003.429, s. 1003.43, or s.  
5007 1003.435 ~~1003.45~~ unless:

5008 1. The student is enrolled full time in the early  
5009 admission program of an eligible postsecondary education  
5010 institution or completes a home education program according to  
5011 s. 1002.41; or

5012 2. The student earns a high school diploma from a non-  
5013 Florida school while living with a parent or guardian who is on  
5014 military or public service assignment away from Florida.

5015 Section 73. Part VIII of chapter 159, Florida Statutes,  
5016 consisting of sections 159.831, 159.832, 159.833, 159.834, and  
5017 159.835, is created to read:

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5018 159.831 Popular name.--This part may be known by the  
5019 popular name the "Florida Qualified Public Educational  
5020 Facilities Private Activity Bond Allocation Act."

5021 159.832 Purpose.--The purpose of this part is to allocate  
5022 the state volume limitation imposed by s. 142(k)(5)(A) of the  
5023 Code on private activity bonds to finance qualified public  
5024 educational facilities. No private activity bond subject to the  
5025 limitation in s. 142(k)(5)(A) of the Code shall be issued in  
5026 this state unless a written confirmation therefor is issued  
5027 pursuant to this part.

5028 159.833 Definitions.--As used in this part, the term:

5029 (1) "Board" means the State Board of Education, created  
5030 pursuant to s. 2, Art. IX of the State Constitution.

5031 (2) "Code" means the Internal Revenue Code of 1986, as  
5032 amended, and the regulations and rulings issued thereunder.

5033 (3) "Commissioner" means the Commissioner of Education.

5034 (4) "Department" means the Department of Education,  
5035 created pursuant to s. 20.15.

5036 (5) "Issued" has the same meaning as in the Code.

5037 (6) "Private activity bond" means any bond described in s.  
5038 141 of the Code.

5039 (7) "Qualified public educational facility" means a  
5040 facility described in s. 142(k)(1) of the Code.

5041 159.834 Allocation of state volume limitation.--

5042 (1) By January 1, 2004, the board shall establish a  
5043 program for allocating the state volume limitation imposed by s.  
5044 142(k)(5)(A) of the Code on private activity bonds to finance  
5045 qualified public educational facilities. Such program shall  
5046 include objective criteria to be considered in determining



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5047 whether to grant a request for such volume limitation,  
5048 including, but not limited to, the need for a qualified public  
5049 educational facility in the area proposed in the application,  
5050 the number of students to be served by such facility, and the  
5051 cost-effectiveness of the proposed facility. The program shall  
5052 be administered by the department.

5053 (2) The department shall annually determine the amount of  
5054 private activity bonds for qualified public educational  
5055 facilities permitted to be issued in this state under s.  
5056 142(k)(5) of the Code and shall make such information available  
5057 upon request to any person or agency.

5058 (3) The department shall ensure that any volume limitation  
5059 unused at the end of each calendar year is carried forward  
5060 pursuant to s. 142(k)(5)(B)(ii) of the Code.

5061 (4) The commissioner shall sign any certificate required  
5062 by the Code relating to the allocation of the state volume  
5063 limitation on private activity bonds to finance qualified public  
5064 educational facilities.

5065 159.835 Rules.--The board and the department shall adopt  
5066 any rules necessary to ensure the orderly implementation and  
5067 administration of this part.

5068 Section 74. Section 1003.33, Florida Statutes, is amended  
5069 to read:

5070 1003.33 Report cards; end-of-the-year status.--

5071 (1) Each district school board shall establish and publish  
5072 policies requiring the content and regular issuance of student  
5073 report cards for all elementary school, middle school, and high  
5074 school students. These report cards must clearly depict and  
5075 grade:

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5076 (a) The student's academic performance in each class or  
5077 course, which in grades 1 through 12 must be based upon  
5078 examinations as well as written papers, class participation, and  
5079 other academic performance criteria.

5080 (b) The student's conduct and behavior.

5081 (c) The student's attendance, including absences and  
5082 tardiness.

5083 (2) A student's final report card for a school year shall  
5084 contain a statement indicating end-of-the-year status regarding  
5085 performance or nonperformance at grade level, acceptable or  
5086 unacceptable behavior and attendance, and promotion or  
5087 nonpromotion.

5088  
5089 ~~District school boards shall not allow schools to exempt~~  
5090 ~~students from academic performance requirements based on~~  
5091 ~~practices or policies designed to encourage student attendance.~~  
5092 ~~A student's attendance record may not be used in whole or in~~  
5093 ~~part to provide an exemption from any academic performance~~  
5094 ~~requirement.~~

5095 Section 75. From the funds appropriated in Specific  
5096 Appropriation 58D for BEST Florida teaching, \$1,076,500 is  
5097 hereby authorized for fiscal year 2003-2004 for the Teaching  
5098 Fellows Program established in s. 1009.591, Florida Statutes,  
5099 and \$1 million is hereby authorized for education leadership  
5100 development activities pursuant to s. 1012.987, Florida  
5101 Statutes.

5102 Section 76. If any provision of this act or its  
5103 application to any person or circumstance is held invalid, the  
5104 invalidity does not affect other provisions or applications of

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5105 the act which can be given effect without the invalid provision  
5106 or application, and to this end the provisions of this act are  
5107 severable.

5108 Section 77 Except as otherwise provided herein, this act  
5109 shall take effect July 1, 2003.

5110  
5111

5112 ===== T I T L E A M E N D M E N T =====

5113 Remove the entire title, and insert:

5114 A bill to be entitled

5115 An act relating to quality education; providing a popular  
5116 name; amending s. 1003.01, F.S.; defining the terms "core-  
5117 curricula courses" and "extracurricular courses"; amending  
5118 s. 1003.03, F.S.; providing legislative intent;  
5119 establishing the constitutional class size maximums;  
5120 providing for the determination of averages; requiring the  
5121 Department of Education to calculate averages based upon  
5122 student membership surveys; providing implementation  
5123 options for school districts; providing accountability for  
5124 the class size reduction measures; creating s. 1011.685,  
5125 F.S.; establishing an operating categorical fund for  
5126 implementing class size reduction; providing for use of  
5127 the funds by school districts; authorizing use of capital  
5128 outlay millage; requiring reports; creating s. 1013.735,  
5129 F.S.; establishing the Class Size Reduction Infrastructure  
5130 Program; providing for the allocation of funds; providing  
5131 requirements for district participation; providing for the  
5132 use of the funds; creating s. 1013.736, F.S.; establishing  
5133 the District Effort Recognition Program; providing

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5134 eligibility for school district participation; providing  
5135 for allocation and distribution of funds; creating s.  
5136 1013.737, F.S.; establishing the Class Size Reduction  
5137 Lottery Revenue Bond Program; authorizing issuance of  
5138 revenue bonds to finance or refinance the construction,  
5139 acquisition, reconstruction, or renovation of educational  
5140 facilities; amending s. 24.121, F.S.; removing limitations  
5141 on lottery revenues that may be pledged to the payment of  
5142 debt service; amending s. 121.091, F.S.; authorizing  
5143 instructional and administrative personnel who receive  
5144 authorization to extend participation in the Deferred  
5145 Retirement Option Program on an annual contractual basis;  
5146 amending s. 1001.42, F.S.; eliminating a cross reference  
5147 to small schools; creating s. 1002.395, F.S.; providing  
5148 for Florida Learning Access Grants; providing obligations  
5149 of school districts, parents, and the Department of  
5150 Education; providing private school eligibility  
5151 requirements; creating s. 1002.396, F.S.; providing for  
5152 kindergarten grants; providing obligations of parents and  
5153 the Department of Education; providing private  
5154 kindergarten eligibility requirements; creating s.  
5155 1002.397, F.S.; providing for K-8 virtual school grants;  
5156 providing obligations of students, parents, and the  
5157 Department of Education; providing K-8 virtual school  
5158 eligibility requirements; amending s. 220.187, F.S.;  
5159 expanding and revising the corporate income tax credit  
5160 scholarship program; creating s. 220.1875, F.S.; creating  
5161 a corporate income tax credit scholarship program for  
5162 dependents of military personnel and veterans; providing

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5163 requirements and limitations; amending s. 1002.20, F.S.,  
5164 relating to parent and student rights, to conform to  
5165 changes made by the act; amending s. 1002.33, F.S.;  
5166 removing the cap on the number of charter schools  
5167 authorized in school districts; correcting cross  
5168 references; amending s. 1002.41, F.S.; correcting a cross  
5169 reference; amending s. 1003.02, F.S.; requiring school  
5170 districts to notify parents of acceleration mechanisms;  
5171 eliminating a cross reference to conform to changes made  
5172 by the act; creating s. 1003.429, F.S.; providing options  
5173 for accelerated high school graduation; providing for a 3-  
5174 year standard college preparatory program and a 3-year  
5175 career preparatory program; amending s. 1003.43, F.S.;  
5176 including parenting skills in the life management skills  
5177 course; removing requirement that the life management  
5178 skills course be taken in certain grades; amending s.  
5179 1003.436, F.S.; reducing the number of hours required for  
5180 one full credit; amending s. 1007.261, F.S.; revising  
5181 credit requirements for admission to state universities;  
5182 amending s. 1007.27, F.S.; requiring notification to  
5183 students and parents of acceleration opportunities;  
5184 authorizing the State Board of Education to adopt rules  
5185 concerning articulated acceleration mechanisms; requiring  
5186 the State Board of Education to review and report on the  
5187 use of acceleration mechanisms and grading practices,  
5188 including the weighting of courses, for credit and  
5189 admission; amending s. 1003.62, F.S.; deleting provisions  
5190 relating to the charter school district pilot program;  
5191 providing for establishment of academic performance-based

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5192 charter school districts; providing for eligibility and  
5193 exemption from statutes and rules; requiring annual  
5194 reports; including a grandfather provision for certain  
5195 pilot program charter school districts; amending s.  
5196 1011.62, F.S.; removing a date limitation to provide for  
5197 categorical flexibility; revising categorical funds;  
5198 providing for advertisement and reporting; amending s.  
5199 1011.68, F.S.; correcting a cross reference; amending s.  
5200 1011.69, F.S.; deleting obsolete provisions; revising  
5201 equity in school-level funding provisions; providing that  
5202 class size reduction operating categorical funds are not  
5203 subject to provisions requiring equity in school-level  
5204 funding; amending s. 1012.56, F.S.; revising the time  
5205 period for which an official statement of status of  
5206 eligibility for certification is valid; revising  
5207 requirements for mastery of general knowledge, mastery of  
5208 subject area knowledge, and mastery of professional  
5209 preparation and education competence; revising provisions  
5210 relating to temporary certificates; amending s. 1012.57,  
5211 F.S.; requiring district school boards to adopt rules to  
5212 allow for the issuance of adjunct teaching certificates;  
5213 revising provisions relating to determination of expertise  
5214 in the subject area to be taught; amending s. 1013.03,  
5215 F.S.; requiring the Department of Education to review  
5216 rules relating to school construction and make  
5217 recommendations to the State Board of Education; amending  
5218 s. 1013.31, F.S.; requiring school districts to  
5219 periodically update the inventory of educational  
5220 facilities; amending s. 1002.37, F.S.; revising priorities

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5221 of the Florida Virtual School; providing that certain  
5222 funds are internal funds; authorizing supplemental support  
5223 organizations; revising administrative responsibilities  
5224 regarding funding and reporting requirements for the board  
5225 of trustees of the Florida Virtual School; authorizing  
5226 franchise agreements; providing for funding the Florida  
5227 Virtual School within the Florida Education Finance  
5228 Program; providing for funding based on credit completion;  
5229 providing a calculation; eliminating obsolete provisions;  
5230 amending s. 1011.61, F.S.; revising definition of "full-  
5231 time equivalent student" to include a Florida Virtual  
5232 School student; providing for membership to exceed certain  
5233 maximum days of instruction; amending s. 1013.64, F.S.;  
5234 revising provisions relating to determination of  
5235 allocations to school districts from the Public Education  
5236 Capital Outlay and Debt Service Trust Fund; revising  
5237 provisions relating to the costs per student station;  
5238 authorizing a school district to exceed cost per student  
5239 station requirements under certain circumstances;  
5240 requiring reports; repealing ss. 1007.261(2), 1012.41,  
5241 1013.21, and 1013.43, F.S., relating to credit  
5242 requirements, employment of directors of career and  
5243 technical education, reduction of relocatable facilities  
5244 in use, and the small school requirement; amending s.  
5245 216.292, F.S.; requiring the Executive Office of the  
5246 Governor to transfer funds for class size reduction based  
5247 on recommendations of the Florida Education Finance  
5248 Program Appropriation Allocation Conference; requiring  
5249 notice and review; creating s. 1000.041, F.S.; providing

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5250 legislative purposes and guiding principles for BEST  
5251 Florida teaching; amending s. 1001.33, F.S.; requiring  
5252 cooperation to apply such guiding principles; amending s.  
5253 1001.42, F.S.; requiring district school boards to provide  
5254 clerical personnel or volunteers to assist teachers in  
5255 noninstructional activities; requiring school district  
5256 support of authority; amending ss. 1001.51 and 1001.54,  
5257 F.S.; providing for cooperation and support of district  
5258 school superintendents and school principals; amending s.  
5259 1002.20, F.S.; providing student rights with respect to  
5260 classroom orderliness; amending s. 1002.42, F.S.;  
5261 correcting a cross reference; amending s. 1003.04, F.S.;  
5262 requiring specified student conduct; requiring parental  
5263 cooperation with school authority; amending s. 1003.31,  
5264 F.S.; providing for support of the authority of teachers  
5265 and bus drivers; amending s. 1003.32, F.S.; revising  
5266 provisions relating to teacher authority and  
5267 responsibility for control of students; designating a  
5268 school placement review committee to determine placement  
5269 for disruptive students; requiring reports; requiring  
5270 Commissioner of Education review of success in achieving  
5271 orderly classrooms and use of enforcement actions;  
5272 requiring reporting of knowledge or belief of crimes of  
5273 violence on school property; providing immunity; amending  
5274 s. 1004.04, F.S.; revising provisions relating to state  
5275 approval of teacher preparation programs; expanding State  
5276 Board of Education rules establishing core curricula;  
5277 requiring teacher preparation programs to incorporate  
5278 certain instruction; providing for guarantee; providing

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5279 for additional teacher training under certain  
5280 circumstances; authorizing pay for student teacher  
5281 internships; providing priority consideration for  
5282 participation in teacher education pilot programs;  
5283 amending ss. 1006.08 and 1006.09, F.S.; providing for  
5284 district school superintendent and school principal  
5285 support relating to student discipline; amending s.  
5286 1009.59, F.S.; renaming and revising eligibility criteria  
5287 and loan reimbursement of the Critical Teacher Shortage  
5288 Student Loan Forgiveness Program; creating s. 1009.591,  
5289 F.S.; creating the Teaching Fellows Program to encourage  
5290 certain graduate students to enter the teaching  
5291 profession; providing for stipends, signing bonuses upon  
5292 employment, and waiver of tuition and fees under certain  
5293 circumstances; providing repayment requirements; creating  
5294 s. 1011.63, F.S.; creating a categorical fund for a salary  
5295 career ladder; providing requirements to access funds;  
5296 providing for allocation to school districts and use of  
5297 funds; amending s. 1012.05, F.S.; requiring the Department  
5298 of Education to provide for one-stop shopping for teacher  
5299 career information and on-line support; authorizing use of  
5300 funds to recruit and prepare teachers; creating s.  
5301 1012.231, F.S.; requiring district school board plans for  
5302 compensation of classroom teachers; providing for funding  
5303 teacher salary career ladders based on performance;  
5304 providing requirements and incentives relating to teacher  
5305 assignments; amending ss. 1012.27 and 1012.28, F.S.;  
5306 providing duties of district school superintendents and  
5307 school principals; amending s. 1012.585, F.S.; revising

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5308 certain requirements for renewal of professional  
5309 certificates; correcting a cross reference; creating s.  
5310 1012.586, F.S.; authorizing school districts to process  
5311 certain applications via website; providing for a fee and  
5312 the uses thereof; amending s. 1012.72, F.S.; expanding the  
5313 Dale Hickam Excellent Teaching program to provide  
5314 incentives for teachers who seek or are issued certain  
5315 certification by the American Board for Certification of  
5316 Teacher Excellence; restricting bonuses to certain  
5317 teachers; repealing s. 1012.73, F.S., relating to the  
5318 mentor teacher pilot program; amending s. 1012.98, F.S.;  
5319 revising provisions relating to the School Community  
5320 Professional Development Act; deleting provisions relating  
5321 to recruitment, preparation, and professional development  
5322 of school administrative personnel; creating s. 1012.987,  
5323 F.S.; authorizing a principal leadership designation and  
5324 incentives therefor; requiring a system for recruitment,  
5325 preparation, and education leadership development of  
5326 school administrative personnel; authorizing request of  
5327 resignation of a school principal and teachers under  
5328 certain circumstances; requiring district school boards to  
5329 review and consider amending certain collective bargaining  
5330 contracts; requiring the Commissioner of Education to  
5331 conduct a survey of classroom teachers; amending ss.  
5332 121.021 and 1013.35, F.S.; correcting cross references;  
5333 amending s. 1013.45, F.S.; requiring a life cycle analysis  
5334 when constructing or expanding educational facilities;  
5335 amending s. 1013.62, F.S.; authorizing allocation of  
5336 certain funds to charter schools for capital outlay

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5337 purposes under certain circumstances; amending s.  
5338 1009.531, F.S.; conforming provisions to changes made by  
5339 the act and correcting a cross reference; creating pt.  
5340 VIII of ch. 159, F.S., the "Florida Qualified Public  
5341 Educational Facilities Private Activity Bond Allocation  
5342 Act"; providing purpose and definitions; providing for  
5343 allocation of state volume limitation on private activity  
5344 bonds to finance qualified public educational facilities;  
5345 providing for rules; amending s. 1003.33, F.S.; deleting  
5346 certain provisions prohibiting district school boards from  
5347 exempting students from academic performance requirements;  
5348 authorizing an appropriation for the Teaching Fellows  
5349 Program and for education leadership development  
5350 activities; providing for severability; providing  
5351 effective dates.

5352

5353 WHEREAS, in 1998, the voters approved an amendment to  
5354 Section 1, Article IX of the State Constitution that required  
5355 the Legislature to establish by law a uniform, efficient, safe,  
5356 secure, and high-quality system of free public schools that  
5357 allows students to obtain a high-quality education, and

5358 WHEREAS, in 2002, the voters of Florida approved a further  
5359 amendment to Section 1, Article IX of the State Constitution to  
5360 assure that students obtain a high-quality education, and

5361 WHEREAS, the voters defined a high-quality education as, by  
5362 2010, a prekindergarten through grade 3 core-curricula class  
5363 size of no more than 18 students assigned to a teacher, a grade  
5364 4 through grade 8 core-curricula class size of no more than 22  
5365 students assigned to a teacher, and a grade 9 through grade 12

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5366 core-curricula class size of no more than 25 students assigned  
5367 to a teacher, and

5368 WHEREAS, the Legislature finds that a high-quality  
5369 education cannot be achieved solely by small class sizes but  
5370 also requires well-educated, well-trained, well-compensated, and  
5371 effective classroom teachers and school administrators who  
5372 maintain orderly, disciplined classrooms conducive to student  
5373 learning, and

5374 WHEREAS, Section 1, Article IX of the State Constitution  
5375 requires that reduced class sizes be accomplished through a  
5376 system that is both efficient and uniform, and

5377 WHEREAS, the constitutional principle of efficiency  
5378 includes the school districts' use of their facilities,  
5379 teachers, and other resources in the most efficient manner, and

5380 WHEREAS, the Florida Supreme Court, in considering the  
5381 provisions of Amendment 9 to Section 1, Article IX of the State  
5382 Constitution, found that "rather than restricting the  
5383 Legislature, the proposed amendment gives the Legislature  
5384 latitude in designing ways to reach the class size goal  
5385 articulated in the ballot initiative, and places the obligation  
5386 to ensure compliance on the Legislature," and

5387 WHEREAS, the Legislature has chosen to focus on teacher  
5388 quality and student achievement, provide clarity of goals,  
5389 safeguard the efficient use of public funds, allow flexibility  
5390 to reach those goals, recognize issues relating to both  
5391 efficiency and equity of implementation, and require  
5392 accountability to meet the standards set forth in the State  
5393 Constitution, NOW, THEREFORE,

5394

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