

1 A bill to be entitled

2 An act relating to education funding; amending s. 24.121,  
3 F.S.; requiring school districts to establish certain  
4 policies and procedures relating to lottery fund  
5 enhancements; amending s. 1002.32, F.S.; prohibiting use  
6 of funds for lab schools for certain overhead or indirect  
7 costs; amending s. 1008.22, F.S.; authorizing outsourcing  
8 of statewide assessment program activities; allowing for  
9 contracts extending into two fiscal years; amending s.  
10 1009.23, F.S.; requiring identical fees for all community  
11 college students taking a specific course; amending s.  
12 1009.26, F.S.; specifying the maximum fee waiver  
13 percentage for school districts and community colleges;  
14 amending s. 1011.57, F.S.; prohibiting out-of-state fee  
15 waivers by the Florida School for the Deaf and the Blind;  
16 amending s. 1011.62, F.S.; revising eligibility  
17 requirement for use of the small, isolated high school  
18 multiplier; creating s. 1011.63, F.S.; prohibiting  
19 reporting for state funding for purposes of the Florida  
20 Education Finance Program of courses or programs fully  
21 funded externally; amending s. 1011.66, F.S.; setting  
22 forth the method and timing of distributing Florida  
23 Education Finance Program funds; amending s. 1011.67,  
24 F.S.; setting forth the method and timing of distributing  
25 funds for instructional materials; amending s. 1011.765,  
26 F.S.; modifying the Florida Academic Improvement Trust  
27 Fund matching grant program to serve low-performing  
28 students; providing for matching grants to public school  
29 district education foundations; amending s. 1011.80, F.S.;

30 prohibiting reporting for state funding of courses or  
 31 programs fully funded externally; amending s. 1011.84,  
 32 F.S.; providing reporting requirements with respect to  
 33 inmate education provided by community colleges; directing  
 34 that inmates not be included in FTE student enrollment for  
 35 funding through the Community College Program Fund;  
 36 prohibiting reporting for state funding of courses or  
 37 programs fully funded externally; amending s. 1012.05,  
 38 F.S.; authorizing the Department of Education to collect  
 39 registration and booth fees for a job fair; authorizing  
 40 certain uses for such funds; amending s. 1012.35, F.S.;  
 41 providing standards and training for substitute teachers;  
 42 requiring the department to develop training resources and  
 43 school districts to develop performance appraisal  
 44 measures; amending s. 1012.72, F.S.; authorizing the use  
 45 of Dale Hickam Excellent Teaching Program funds for  
 46 certain purposes; providing an effective date.

47  
 48 Be It Enacted by the Legislature of the State of Florida:

49  
 50 Section 1. Paragraphs (a) and (c) of subsection (5) of  
 51 section 24.121, Florida Statutes, are amended to read:

52 24.121 Allocation of revenues and expenditure of funds for  
 53 public education.--

54 (5)(a) Public educational programs and purposes funded by  
 55 the Educational Enhancement Trust Fund may include, but are not  
 56 limited to, endowment, scholarship, matching funds, direct  
 57 grants, research and economic development related to education,  
 58 salary enhancement, contracts with independent institutions to

HB 1867, Engrossed 1

2004

59 conduct programs consistent with the state master plan for  
60 postsecondary education, or any other educational program or  
61 purpose deemed desirable by the Legislature. Prior to the  
62 expenditure of these funds, each school district shall establish  
63 policies and procedures that define enhancement and the types of  
64 expenditures consistent with that definition.

65 (c) A portion of such net revenues, as determined annually  
66 by the Legislature, shall be distributed to each school district  
67 and shall be made available to each public school in the  
68 district for enhancing school performance through development  
69 and implementation of a school improvement plan pursuant to s.  
70 1001.42(16). A portion of these moneys, as determined annually  
71 in the General Appropriations Act, must be allocated to each  
72 school in an equal amount for each student enrolled. These  
73 moneys may be expended only on programs or projects selected by  
74 the school advisory council or by a parent advisory committee  
75 created pursuant to this paragraph. If a school does not have a  
76 school advisory council, the district advisory council must  
77 appoint a parent advisory committee composed of parents of  
78 students enrolled in that school, which committee is  
79 representative of the ethnic, racial, and economic community  
80 served by the school, to advise the school's principal on the  
81 programs or projects to be funded. Neither school district staff  
82 nor principals ~~A principal~~ may ~~not~~ override the recommendations  
83 of the school advisory council or the parent advisory committee.  
84 These moneys may not be used for capital improvements, nor may  
85 they be used for any project or program that has a duration of  
86 more than 1 year; however, a school advisory council or parent  
87 advisory committee may independently determine that a program or

HB 1867, Engrossed 1

2004

88 project formerly funded under this paragraph should receive  
 89 funds in a subsequent year.

90 Section 2. Paragraph (c) of subsection (9) of section  
 91 1002.32, Florida Statutes, is amended to read:

92 1002.32 Developmental research (laboratory) schools.--

93 (9) FUNDING.--Funding for a lab school, including a  
 94 charter lab school, shall be provided as follows:

95 (c) All operating funds provided under this section shall  
 96 be deposited in a Lab School Trust Fund and shall be expended  
 97 for the purposes of this section. The university assigned a lab  
 98 school shall be the fiscal agent for these funds, and all rules  
 99 of the university governing the budgeting and expenditure of  
 100 state funds shall apply to these funds unless otherwise provided  
 101 by law or rule of the State Board of Education. The university  
 102 board of trustees shall be the public employer of lab school  
 103 personnel for collective bargaining purposes for lab schools in  
 104 operation prior to the 2002-2003 fiscal year. Employees of  
 105 charter lab schools authorized prior to June 1, 2003, but not in  
 106 operation prior to the 2002-2003 fiscal year shall be employees  
 107 of the entity holding the charter and must comply with the  
 108 provisions of s. 1002.33(12). None of the funds appropriated for  
 109 lab schools shall be used to pay overhead or indirect costs  
 110 described in s. 216.346.

111 Section 3. Subsection (3) of section 1008.22, Florida  
 112 Statutes, is amended to read:

113 1008.22 Student assessment program for public schools.--

114 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
 115 design and implement a statewide program of educational  
 116 assessment that provides information for the improvement of the

HB 1867, Engrossed 1

2004

117 operation and management of the public schools, including  
118 schools operating for the purpose of providing educational  
119 services to youth in Department of Juvenile Justice programs.  
120 The commissioner may enter into contracts for the continued  
121 administration of the assessment, testing, and evaluation  
122 programs. Contracts may be initiated in one fiscal year and  
123 continue into the next and may be paid from the appropriations  
124 of either or both fiscal years. The commissioner is authorized  
125 to negotiate for the sale or lease of tests, scoring protocols,  
126 test scoring services, and related materials. Pursuant to the  
127 statewide assessment program, the commissioner shall:

128 (a) Submit to the State Board of Education a list that  
129 specifies student skills and competencies to which the goals for  
130 education specified in the state plan apply, including, but not  
131 limited to, reading, writing, science, and mathematics. The  
132 skills and competencies must include problem-solving and higher-  
133 order skills as appropriate and shall be known as the Sunshine  
134 State Standards as defined in s. 1000.21. The commissioner shall  
135 select such skills and competencies after receiving  
136 recommendations from educators, citizens, and members of the  
137 business community. The commissioner shall submit to the State  
138 Board of Education revisions to the list of student skills and  
139 competencies in order to maintain continuous progress toward  
140 improvements in student proficiency.

141 (b) Develop and implement a uniform system of indicators  
142 to describe the performance of public school students and the  
143 characteristics of the public school districts and the public  
144 schools. These indicators must include, without limitation,  
145 information gathered by the comprehensive management information

HB 1867, Engrossed 1

2004

146 system created pursuant to s. 1008.385 and student achievement  
147 information obtained pursuant to this section.

148 (c) Develop and implement a student achievement testing  
149 program known as the Florida Comprehensive Assessment Test  
150 (FCAT) as part of the statewide assessment program, to be  
151 administered annually in grades 3 through 10 to measure reading,  
152 writing, science, and mathematics. Other content areas may be  
153 included as directed by the commissioner. The testing program  
154 must be designed so that:

155 1. The tests measure student skills and competencies  
156 adopted by the State Board of Education as specified in  
157 paragraph (a). The tests must measure and report student  
158 proficiency levels in reading, writing, mathematics, and  
159 science. The commissioner shall provide for the tests to be  
160 developed or obtained, as appropriate, through contracts and  
161 project agreements with private vendors, public vendors, public  
162 agencies, postsecondary educational institutions, or school  
163 districts. The commissioner shall obtain input with respect to  
164 the design and implementation of the testing program from state  
165 educators and the public.

166 2. The testing program will include a combination of norm-  
167 referenced and criterion-referenced tests and include, to the  
168 extent determined by the commissioner, questions that require  
169 the student to produce information or perform tasks in such a  
170 way that the skills and competencies he or she uses can be  
171 measured.

172 3. Each testing program, whether at the elementary,  
173 middle, or high school level, includes a test of writing in

HB 1867, Engrossed 1

2004

174 which students are required to produce writings that are then  
175 scored by appropriate methods.

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

180 5. Except as provided in s. 1003.43(11)(b), students must  
181 earn a passing score on the grade 10 assessment test described  
182 in this paragraph or on an alternate assessment as described in  
183 subsection (9) in reading, writing, and mathematics to qualify  
184 for a regular high school diploma. The State Board of Education  
185 shall designate a passing score for each part of the grade 10  
186 assessment test. In establishing passing scores, the state board  
187 shall consider any possible negative impact of the test on  
188 minority students. All students who took the grade 10 FCAT  
189 during the 2000-2001 school year shall be required to earn the  
190 passing scores in reading and mathematics established by the  
191 State Board of Education for the March 2001 test administration.  
192 Such students who did not earn the established passing scores  
193 and must repeat the grade 10 FCAT are required to earn the  
194 passing scores established for the March 2001 test  
195 administration. All students who take the grade 10 FCAT for the  
196 first time in March 2002 and thereafter shall be required to  
197 earn the passing scores in reading and mathematics established  
198 by the State Board of Education for the March 2002 test  
199 administration. The State Board of Education shall adopt rules  
200 which specify the passing scores for the grade 10 FCAT. Any such  
201 rules, which have the effect of raising the required passing

HB 1867, Engrossed 1

2004

202 scores, shall only apply to students taking the grade 10 FCAT  
203 after such rules are adopted by the State Board of Education.

204 6. Participation in the testing program is mandatory for  
205 all students attending public school, including students served  
206 in Department of Juvenile Justice programs, except as otherwise  
207 prescribed by the commissioner. If a student does not  
208 participate in the statewide assessment, the district must  
209 notify the student's parent and provide the parent with  
210 information regarding the implications of such nonparticipation.  
211 If modifications are made in the student's instruction to  
212 provide accommodations that would not be permitted on the  
213 statewide assessment tests, the district must notify the  
214 student's parent of the implications of such instructional  
215 modifications. A parent must provide signed consent for a  
216 student to receive instructional modifications that would not be  
217 permitted on the statewide assessments and must acknowledge in  
218 writing that he or she understands the implications of such  
219 accommodations. The State Board of Education shall adopt rules,  
220 based upon recommendations of the commissioner, for the  
221 provision of test accommodations and modifications of procedures  
222 as necessary for students in exceptional education programs and  
223 for students who have limited English proficiency.  
224 Accommodations that negate the validity of a statewide  
225 assessment are not allowable.

226 7. A student seeking an adult high school diploma must  
227 meet the same testing requirements that a regular high school  
228 student must meet.

229 8. District school boards must provide instruction to  
230 prepare students to demonstrate proficiency in the skills and



HB 1867, Engrossed 1

2004

231 competencies necessary for successful grade-to-grade progression  
232 and high school graduation. If a student is provided with  
233 accommodations or modifications that are not allowable in the  
234 statewide assessment program, as described in the test manuals,  
235 the district must inform the parent in writing and must provide  
236 the parent with information regarding the impact on the  
237 student's ability to meet expected proficiency levels in  
238 reading, writing, and math. The commissioner shall conduct  
239 studies as necessary to verify that the required skills and  
240 competencies are part of the district instructional programs.

241 9. The Department of Education must develop, or select,  
242 and implement a common battery of assessment tools that will be  
243 used in all juvenile justice programs in the state. These tools  
244 must accurately measure the skills and competencies established  
245 in the Florida Sunshine State Standards.

246

247 The commissioner may design and implement student testing  
248 programs, for any grade level and subject area, necessary to  
249 effectively monitor educational achievement in the state.

250 (d) Conduct ongoing research to develop improved methods  
251 of assessing student performance, including, without limitation,  
252 the use of technology to administer tests, score, or report the  
253 results of, the use of electronic transfer of data, the  
254 development of work-product assessments, and the development of  
255 process assessments.

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

HB 1867, Engrossed 1

2004

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

263 Section 4. Subsection (2) of section 1009.23, Florida  
 264 Statutes, is amended to read:

265 1009.23 Community college student fees.--

266 (2) All students shall be charged fees except students who  
 267 are exempt from fees or students whose fees are waived.

268 Identical fees shall be required for all community college  
 269 students who take a specific course, regardless of the program  
 270 in which they are enrolled.

271 Section 5. Subsection (1) of section 1009.26, Florida  
 272 Statutes, is amended to read:

273 1009.26 Fee waivers.--

274 (1) School districts and community colleges may waive fees  
 275 for any fee-nonexempt student. The total value of fee waivers  
 276 granted by the school district or community college may not  
 277 exceed 8 percent of the fee revenues that would otherwise be

278 collected ~~the amount established annually in the General~~  
 279 ~~Appropriations Act.~~ Any student whose fees are waived in excess

280 of the authorized amount may not be reported for state funding  
 281 purposes. Any school district or community college that waives  
 282 fees and requests state funding for a student in violation of  
 283 the provisions of this section shall be penalized at a rate  
 284 equal to 2 times the value of the full-time student enrollment  
 285 reported.

286 Section 6. Subsection (5) is added to section 1011.57,  
 287 Florida Statutes, to read:

HB 1867, Engrossed 1

2004

288 1011.57 Florida School for the Deaf and the Blind; board  
 289 of trustees; management flexibility.--

290 (5) The board of trustees and administration of the  
 291 Florida School for the Deaf and the Blind shall not authorize  
 292 fee waivers for out-of-state students.

293 Section 7. Paragraph (h) of subsection (1) of section  
 294 1011.62, Florida Statutes, is amended to read:

295 1011.62 Funds for operation of schools.--If the annual  
 296 allocation from the Florida Education Finance Program to each  
 297 district for operation of schools is not determined in the  
 298 annual appropriations act or the substantive bill implementing  
 299 the annual appropriations act, it shall be determined as  
 300 follows:

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

305 (h) *Small, isolated high schools.*--Districts which levy  
 306 the maximum nonvoted discretionary millage, exclusive of millage  
 307 for capital outlay purposes levied pursuant to s. 1011.71(2),  
 308 may calculate full-time equivalent students for small, isolated  
 309 high schools by multiplying the number of unweighted full-time  
 310 equivalent students times 2.75; provided the school attained a  
 311 state accountability performance grade of "C" or better for the  
 312 previous school year percentage of students at such school  
 313 ~~passing both parts of the high school competency test, as~~  
 314 ~~defined by law and rule, has been equal to or higher than such~~  
 315 ~~percentage for the state or district, whichever is greater.~~ For  
 316 the purpose of this section, the term "small, isolated high

HB 1867, Engrossed 1

2004

317 school" means any high school which is located no less than 28  
318 miles by the shortest route from another high school; which has  
319 been serving students primarily in basic studies provided by  
320 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
321 (c)4.; and which has a membership of no more than 100 students,  
322 but no fewer than 28 students, in grades 9 through 12.

323 Section 8. Section 1011.63, Florida Statutes, is created  
324 to read:

325 1011.63 Reporting for state funding; prohibition.--When a  
326 public educational institution has been fully funded by an  
327 external agency for direct instructional costs of any course or  
328 program, the FTE generated shall not be reported for state  
329 funding for purposes of the Florida Education Finance Program.

330 Section 9. Section 1011.66, Florida Statutes, is amended  
331 to read:

332 1011.66 Distribution of FEFP funds ~~in first quarter~~--The  
333 distribution of FEFP funds shall be made in equal payments on or  
334 about the 10th and 26th of each month. Upon the request of any  
335 school district whose net state FEFP funding is less than 60  
336 percent of its gross state and local FEFP funding, the  
337 Department of Education shall distribute to that school district  
338 in the first quarter of the fiscal year an amount from the funds  
339 appropriated for the FEFP in the General Appropriations Act up  
340 to a maximum of 15 percent of that school district's gross state  
341 and local FEFP funding or that school district's net state FEFP  
342 funding, whichever is less.

343 Section 10. Section 1011.67, Florida Statutes, is amended  
344 to read:

HB 1867, Engrossed 1

2004

345 1011.67 Funds for instructional materials.--The department  
346 is authorized to allocate and distribute to each district an  
347 amount as prescribed annually by the Legislature for  
348 instructional materials for student membership in basic and  
349 special programs in grades K-12, which will provide for growth  
350 and maintenance needs. For purposes of this section, unweighted  
351 full-time equivalent students enrolled in the lab schools in  
352 state universities are to be included as school district  
353 students and reported as such to the department. These funds  
354 shall be distributed to school districts as follows: 50 percent  
355 on or about July 10; 35 percent on or about October 10; 10  
356 percent on or about January 10; and 5 percent on or about June  
357 10. School districts shall pay for instructional materials used  
358 for the instruction of public high school students who are  
359 earning credit toward high school graduation under the dual  
360 enrollment program as provided in s. 1011.62(1)(i). The annual  
361 allocation shall be determined as follows:

362 (1) The growth allocation for each school district shall  
363 be calculated as follows:

364 (a) Subtract from that district's projected full-time  
365 equivalent membership of students in basic and special programs  
366 in grades K-12 used in determining the initial allocation of the  
367 Florida Education Finance Program, the prior year's full-time  
368 equivalent membership of students in basic and special programs  
369 in grades K-12 for that district.

370 (b) Multiply any such increase in full-time equivalent  
371 student membership by the allocation for a set of instructional  
372 materials, as determined by the department, or as provided for  
373 in the General Appropriations Act.

HB 1867, Engrossed 1

2004

374 (c) The amount thus determined shall be that district's  
375 initial allocation for growth for the school year. However, the  
376 department shall recompute and adjust the initial allocation  
377 based on actual full-time equivalent student membership data for  
378 that year.

379 (2) The maintenance of the instructional materials  
380 allocation for each school district shall be calculated by  
381 multiplying each district's prior year full-time equivalent  
382 membership of students in basic and special programs in grades  
383 K-12 by the allocation for maintenance of a set of instructional  
384 materials as provided for in the General Appropriations Act. The  
385 amount thus determined shall be that district's initial  
386 allocation for maintenance for the school year; however, the  
387 department shall recompute and adjust the initial allocation  
388 based on such actual full-time equivalent student membership  
389 data for that year.

390 (3) In the event the funds appropriated are not sufficient  
391 for the purpose of implementing this section in full, the  
392 department shall prorate the funds available for instructional  
393 materials after first funding in full each district's growth  
394 allocation.

395 Section 11. Section 1011.765, Florida Statutes, is amended  
396 to read:

397 1011.765 School district ~~Florida Academic Improvement~~  
398 ~~Trust Fund~~ matching grants.--School district matching grants are  
399 provided to public school district education foundations for  
400 programs that serve low-performing students. The amount of each  
401 grant shall be equal to the private contribution made to a  
402 qualifying public school district education foundation. In-kind

HB 1867, Engrossed 1

2004

403 contributions shall not be considered for matching purposes.  
404 Before any funds are released to any public school district  
405 education foundation, the public school district education  
406 foundation must certify to the Commissioner of Education that  
407 private cash has actually been received by the public school  
408 district education foundation seeking state matching funds. The  
409 Consortium of Florida Education Foundations shall be the fiscal  
410 agent for this program. Administrative costs for the program  
411 must not exceed 5 percent.

412 ~~(1) MATCHING GRANTS. The Florida Academic Improvement~~  
413 ~~Trust Fund shall be utilized to provide matching grants to the~~  
414 ~~Florida School for the Deaf and the Blind Endowment Fund and to~~  
415 ~~any public school district education foundation that meets the~~  
416 ~~requirements of this section and is recognized by the local~~  
417 ~~school district as its designated K-12 education foundation.~~

418 ~~(a) The State Board of Education shall adopt rules for the~~  
419 ~~administration, submission, documentation, evaluation, and~~  
420 ~~approval of requests for matching funds and for maintaining~~  
421 ~~accountability for matching funds.~~

422 ~~(b) Donations, state matching funds, or proceeds from~~  
423 ~~endowments established pursuant to this section shall be used at~~  
424 ~~the discretion of the public school district education~~  
425 ~~foundation or the Florida School for the Deaf and the Blind for~~  
426 ~~academic achievement within the school district or school, and~~  
427 ~~shall not be expended for the construction of facilities or for~~  
428 ~~the support of interscholastic athletics. No public school~~  
429 ~~district education foundation or the Florida School for the Deaf~~  
430 ~~and the Blind shall accept or purchase facilities for which the~~

HB 1867, Engrossed 1

2004

431 ~~state will be asked for operating funds unless the Legislature~~  
432 ~~has granted prior approval for such acquisition.~~

433 ~~(2) ALLOCATION OF THE TRUST FUND.—Funds appropriated to~~  
434 ~~the Florida Academic Improvement Trust Fund shall be allocated~~  
435 ~~by the Department of Education in the following manner:~~

436 ~~(a) For every year in which there is a legislative~~  
437 ~~appropriation to the trust fund, an equal amount of the annual~~  
438 ~~appropriation, to be determined by dividing the total~~  
439 ~~legislative appropriation by the number of local education~~  
440 ~~foundations as well as the Florida School for the Deaf and the~~  
441 ~~Blind, must be reserved for each public school district~~  
442 ~~education foundation and the Florida School for the Deaf and the~~  
443 ~~Blind Endowment Fund to provide each foundation and the Florida~~  
444 ~~School for the Deaf and the Blind with an opportunity to receive~~  
445 ~~and match appropriated funds. Trust funds that remain unmatched~~  
446 ~~by contribution on April 1 of any year shall be made available~~  
447 ~~for matching by any public school district education foundation~~  
448 ~~and by the Florida School for the Deaf and the Blind which shall~~  
449 ~~have an opportunity to apply for excess trust funds prior to the~~  
450 ~~award of such funds.~~

451 ~~(b) Matching grants shall be proportionately allocated~~  
452 ~~from the trust fund on the basis of matching each \$4 of state~~  
453 ~~funds with \$6 of private funds. To be eligible for matching, a~~  
454 ~~minimum of \$4,500 must be raised from private sources.~~

455 ~~(c) Funds sufficient to provide the match shall be~~  
456 ~~transferred from the state trust fund to the public school~~  
457 ~~education foundation or to the Florida School for the Deaf and~~  
458 ~~the Blind Endowment Fund upon notification that a proportionate~~



HB 1867, Engrossed 1

2004

459 ~~amount has been received and deposited by the foundation or~~  
460 ~~school into its own trust fund.~~

461 ~~(d) If the total of the amounts to be distributed in any~~  
462 ~~quarter pursuant to this subsection exceeds the amount of funds~~  
463 ~~remaining from specific appropriations made for the~~  
464 ~~implementation of this section, all grants shall be~~  
465 ~~proportionately reduced so that the total of matching grants~~  
466 ~~distributed does not exceed available appropriations.~~

467 ~~(3) GRANT ADMINISTRATION.--~~

468 ~~(a) Each public school district education foundation and~~  
469 ~~the Florida School for the Deaf and the Blind participating in~~  
470 ~~the Florida Academic Improvement Trust Fund shall separately~~  
471 ~~account for all funds received pursuant to this section, and may~~  
472 ~~establish its own academic improvement trust fund as a~~  
473 ~~depository for the private contributions, state matching funds,~~  
474 ~~and earnings on investments of such funds. State matching funds~~  
475 ~~shall be transferred to the public school district education~~  
476 ~~foundation or to the Florida School for the Deaf and the Blind~~  
477 ~~Endowment Fund upon notification that the foundation or school~~  
478 ~~has received and deposited private contributions that meet the~~  
479 ~~criteria for matching as provided in this section. The public~~  
480 ~~school district education foundations and the Florida School for~~  
481 ~~the Deaf and the Blind are responsible for the maintenance,~~  
482 ~~investment, and administration of their academic improvement~~  
483 ~~trust funds.~~

484 ~~(b) The public school district education foundations and~~  
485 ~~the Florida School for the Deaf and the Blind shall be~~  
486 ~~responsible for soliciting and receiving contributions to be~~

HB 1867, Engrossed 1

2004

487 ~~deposited and matched with grants for academic achievement~~  
488 ~~within the school district or school.~~

489 ~~(c) Each public school district education foundation and~~  
490 ~~the Florida School for the Deaf and the Blind shall be~~  
491 ~~responsible for proper expenditure of the funds received~~  
492 ~~pursuant to this section.~~

493 Section 12. Subsection (5) of section 1011.80, Florida  
494 Statutes, is amended to read:

495 1011.80 Funds for operation of adult technical education  
496 programs.--

497 (5) State funding and student fees for workforce  
498 development instruction funded through the Workforce Development  
499 Education Fund shall be established as follows:

500 (a) For a continuing workforce education course, state  
501 funding shall equal 50 percent of the cost of instruction, with  
502 student fees, business support, quick-response training funds,  
503 or other means making up the remaining 50 percent.

504 (b) For all other workforce development education funded  
505 through the Workforce Development Education Fund, state funding  
506 shall equal 75 percent of the average cost of instruction with  
507 the remaining 25 percent made up from student fees. Fees for  
508 courses within a program shall not vary according to the cost of  
509 the individual program, but instead shall be based on a uniform  
510 fee calculated and set at the state level, as adopted by the  
511 State Board of Education, unless otherwise specified in the  
512 General Appropriations Act.

513 (c) For fee-exempt students pursuant to s. 1009.25, unless  
514 otherwise provided for in law, state funding shall equal 100  
515 percent of the average cost of instruction.

HB 1867, Engrossed 1

2004

516       (d) For a public educational institution that has been  
517 fully funded by an external agency for direct instructional  
518 costs of any course or program, the FTE generated shall not be  
519 reported for state funding.

520       Section 13. Paragraph (e) of subsection (1) of section  
521 1011.84, Florida Statutes, is redesignated as paragraph (g) and  
522 new paragraphs (e) and (f) are added to said subsection to read:

523       1011.84 Procedure for determining state financial support  
524 and annual apportionment of state funds to each community  
525 college district.--The procedure for determining state financial  
526 support and the annual apportionment to each community college  
527 district authorized to operate a community college under the  
528 provisions of s. 1001.61 shall be as follows:

529       (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE COMMUNITY  
530 COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.--

531       (e) All state inmate education provided by community  
532 colleges shall be reported by program, FTE expenditure, and  
533 revenue source. These enrollments, expenditures, and revenues  
534 shall be reported and projected separately. Instruction of state  
535 inmates shall not be included in the full-time equivalent  
536 student enrollment for funding through the Community College  
537 Program Fund. Funds in the Community College Program Fund shall  
538 not be used to offer college-level courses to inmates who do not  
539 pay their own fees.

540       (f) When a public educational institution has been fully  
541 funded by an external agency for direct instructional costs of  
542 any course or program, the FTE generated shall not be reported  
543 for state funding.

HB 1867, Engrossed 1

2004

544 Section 14. Subsection (3) of section 1012.05, Florida  
545 Statutes, is amended to read:

546 1012.05 Teacher recruitment and retention.--

547 (3) The Department of Education, in cooperation with  
548 district personnel offices, shall sponsor a job fair in a  
549 central part of the state to match in-state educators and  
550 potential educators and out-of-state educators and potential  
551 educators with teaching opportunities in this state. The  
552 Department of Education is authorized to collect a job fair  
553 registration fee not to exceed \$20 per person and a booth fee  
554 not to exceed \$250 per school district or other interested  
555 participating organization. The revenue from the fees shall be  
556 used to promote and operate the job fair. Funds may be used to  
557 purchase promotional items such as mementos, awards, and  
558 plaques.

559 Section 15. Section 1012.35, Florida Statutes, is amended  
560 to read:

561 1012.35 Substitute teachers.--

562 (1)(a) Each district school board shall adopt rules  
563 prescribing the compensation of, and the procedure for  
564 employment of, substitute teachers. Such procedure for  
565 employment shall include, but is not limited to, the background  
566 screening ~~filing of a complete set of fingerprints~~ as required  
567 in s. 1012.32; documentation of a minimum education level of a  
568 high school diploma or its equivalent as described in s.  
569 1003.429, s. 1003.43, or s. 1003.435; and completion of an  
570 initial orientation/training program in school district policies  
571 and procedures addressing school safety and security procedures,  
572 educational liability laws, professional responsibilities, and

HB 1867, Engrossed 1

2004

573 ethics.

574 (b) Candidates without prior teaching experience, as  
575 determined by the employing school district, must complete an  
576 additional training program that includes classroom management  
577 skills and instructional strategies prior to employment.

578 (c) The required training programs for substitute teachers  
579 may be provided by community colleges, colleges of education,  
580 district school boards, educational consortia, or commercial  
581 vendors.

582 (d) It is recommended that ongoing training and access to  
583 professional development offerings be made available to  
584 substitute teachers by the employing school district.

585 (2) The Department of Education shall develop web-based  
586 training resources to meet the required training pursuant to  
587 paragraph (1)(b).

588 (3) School districts shall develop performance appraisal  
589 measures for assessing the quality of instruction delivered by  
590 substitute teachers who provide instruction for 30 or more days  
591 in a single classroom placement.

592 Section 16. Subsections (4) and (5) of section 1012.72,  
593 Florida Statutes, are renumbered as subsections (5) and (6),  
594 respectively, and a new subsection (4) is added to said section  
595 to read:

596 1012.72 Dale Hickam Excellent Teaching Program.—

597 (4) Funds appropriated to school districts for the Dale  
598 Hickam Excellent Teaching Program may be used by school  
599 districts for payment of the employer's share of social security  
600 and Medicare taxes for those teachers who qualify for NBPTS  
601 certification and receive bonus amounts under subsection (2).

HB 1867, Engrossed 1

2004

602

Section 17. This act shall take effect July 1, 2004.